

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

FULL LEGISLATURE

PETER J. SCHMITT,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

May 21, 2012
10:26 a.m.

REGAL REPORTING SERVICES
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A P P E A R A N C E S:

PETER J. SCHMITT
Chair

KEVAN ABRAHAMS
Minority Leader

ROBERT TROIANO

CARRIÉ SOLAGES

DENISE FORD

DELIA DERIGGI-WHITTON

JOSEPH SCANNELL (Arrived at 10:41 a.m.)

FRANCIS X. BECKER

HOWARD KOPEL

VINCENT MUSCARELLA

RICHARD J. NICOLELLO

JUDI BOSWORTH

WAYNE WINK

NORMA GONSALVES

JOSEPH BELESI

DENNIS DUNNE, SR.

JUDITH JACOBS

ROSE MARIE WALKER

DAVID DENENBERG

WILLIAM MULLER
Clerk of the Legislature

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2 CHAIRMAN SCHMITT: I ask all members to
3 please rise for the Pledge of Allegiance, led by
4 Alternate Deputy Presiding Officer Norma
5 Gonsalves.

6 (Whereupon, the Pledge of Allegiance was
7 recited.)

8 CHAIRMAN SCHMITT: Mr. Clerk, would you
9 please call the roll?

10 CLERK MULLER: Deputy Presiding Officer
11 Gonsalves?

12 LEGISLATOR GONSALVES: Present.

13 CLERK MULLER: Alternate Deputy
14 Presiding Officer Kopel?

15 LEGISLATOR KOPEL: Here.

16 CLERK MULLER: Legislator Troiano?

17 LEGISLATOR TROIANO: Here.

18 CLERK MULLER: Legislator Solages?

19 LEGISLATOR SOLAGES: Here.

20 CLERK MULLER: Legislator Ford?

21 (No verbal response.)

22 CLERK MULLER: Legislator Scannell?

23 LEGISLATOR SCANNELL: Here.

24 CLERK MULLER: Legislator Becker?

25 LEGISLATOR BECKER: Present.

2 CLERK MULLER: Legislator Muscarella?

3 LEGISLATOR MUSCARELLA: Here.

4 CLERK MULLER: Legislator Nicoletto?

5 LEGISLATOR NICOLELLO: Here.

6 CLERK MULLER: Legislator Bosworth?

7 LEGISLATOR BOSWORTH: Here.

8 CLERK MULLER: Legislator Wink?

9 LEGISLATOR WINK: Here.

10 CLERK MULLER: Legislator Belesi?

11 LEGISLATOR BELESI: Here.

12 CLERK MULLER: Legislator Dunne?

13 LEGISLATOR DUNNE: Here.

14 CLERK MULLER: Legislator Jacobs?

15 LEGISLATOR JACOBS: Here.

16 CLERK MULLER: Legislator Walker?

17 LEGISLATOR WALKER: Here.

18 CLERK MULLER: Legislator Deriggi-

19 Whitton?

20 LEGISLATOR DERIGGI-WHITTON: Here.

21 CLERK MULLER: Legislator Denenberg?

22 LEGISLATOR DENENBERG: Here.

23 CLERK MULLER: Minority Leader Abrahams?

24 LEGISLATOR ABRAHAMS: Here.

25 CLERK MULLER: Presiding Officer

2 Schmitt?

3 LEGISLATOR SCHMITT: Here.

4 CLERK MULLER: We have a quorum.

5 CHAIRMAN SCHMITT: As always, we're
6 going to begin with public comment. The first
7 speaker, who filed the first slip, is Joanne
8 Borden.

9 MS. BORDEN: My name is Joanne Borden,
10 as you know. Some of you still think
11 transgenderism is a lifestyle choice.

12 Mike Penner was a popular sports beat
13 writer for the *Los Angeles Times* for 25 years
14 before his transition to a woman. He said one of
15 his transgender friends put it best, and I quote,
16 "The best and simplest explanation I have heard,
17 we are born with this. We fight it as long as we
18 can, and in the end, it wins." I gave it as good
19 a fight as I possibly could. I went more than 40
20 hard rounds with it. Eventually, though, you
21 realize you're only fighting yourself, and your
22 happiness, and your mental health; a no-win
23 situation any way you look at it.

24 When you read the point when one gender
25 causes heartache and unbearable discomfort and

2 the other brings more joy and fulfillment than
3 you ever imagined possible. It shouldn't take
4 two bricks to fall in order to know what to do.
5 It always wins.

6 Penner shared his view; "How do you go
7 about sharing your most important truth when you
8 spent a lifetime trying to keep deeply buried, to
9 a world that has been grown familiar and
10 comfortable with your façade?

11 Transgender people have a mysterious
12 inner drive that literally forces us to assume
13 our true sex, our inner sex. That mysterious
14 drive is so powerful and so resistant proof that
15 it must be God's will.

16 I previously quoted the Bible, that God
17 does not judge by outer appearance, as doctors do
18 on our birth certificate. God judges us by what
19 is beneath the surface, what is in our heart. We
20 face severe discrimination in every aspect of
21 life because some mortals take a single
22 Commandment out of context and ignore God's
23 judgment elsewhere in the Bible. The truth is
24 never true until you have the whole truth. The
25 pass-out has the biblical references.

We are not broken because of this. If anyone is broken, it is the misled hearts that deny us and even hate us. We not only need equal protection under the law, we deserve equality for our adherence to his Commandments in the face of undeserved mortal discrimination and, in too many cases, martyrdom. As Americans and as God-fearing people, I urge you to give us Civil Rights; pass the gender amendment.

Thank you.

CHAIRMAN SCHMITT: Legislator Jacobs.

LEGISLATOR JACOBS: Joanne, you could sit. It doesn't matter.

I just wanted to tell you that, as you know, I did forward your -- not the last one but the ones before -- to all the legislators to ask them to consider it. And I also told you, and I tell you all the time -- when we passed our Human Rights Bill, we really believed -- until you said something to me, I really thought we had covered everything. But you brought to my attention the explanation of what gender is; it was missing in our law, unlike in surrounding counties laws. I think it's a simple fix that we could do, but it

2 hasn't happened as yet.

3 Kevan just said something to me which is
4 true; if there was perseverance -- if there was a
5 definition of perseverance in the dictionary,
6 your name should be listed number one as what it
7 stands for. But I also have a long record of
8 perseverance. I've got your recent letter. Our
9 lawyers will be looking at it. We'll see.

10 I don't know. I think one of the things
11 that's a stumble block here, I don't believe any
12 of us up here -- and I'm not doubting you, don't
13 take this the wrong way -- have gotten, until we
14 met you, have gotten any calls whatsoever that a
15 person who needs the protection has, in some way,
16 been picked on, pointed out, ridiculed or
17 whatever. I'm not saying that should ever
18 happen. I'm just saying that that's why none of
19 us knew that the law was somewhat deficient. So,
20 I just wanted to explain that to you. Because it
21 never was meant to leave anyone out. It
22 certainly is difficult to get a change in when
23 there isn't a preceding complaints that have come
24 in. That's one of the biggest problems.

25 MS. BORDEN: I know. And I recognize

2 from the wording in the law that the intent, what
3 the intent was. But, this problem started with
4 our founding fathers in their attempt to
5 eliminate -- to exclude women and African
6 Americans.

7 Once you mention one person as being
8 included in civil rights and discrimination
9 protection, you eliminate everyone else, and
10 that's the problem. It didn't start here. It
11 started a long time ago.

12 LEGISLATOR JACOBS: I don't believe,
13 though, that our law mentioned only one --

14 MS. BORDEN: No, no. I'm just giving
15 you an example.

16 LEGISLATOR JACOBS: all people must be
17 treated with equal rights and dignity. I don't
18 have it in front of me. But I remember we worked
19 very hard of this in a bipartisan way, to make
20 sure, to the best of our ability, we had covered
21 anything that could possibly come before us that
22 would have at all been considered a ridicule, a
23 prejudice, or whatever. So no one specifically
24 started out on this bill thinking we were leaving
25 anybody out. So it's going to take time. Things

2 take time to change.

3 MS. BORDEN: There have been abuses in
4 this County; I reported them the last legislative
5 section to everyone, actually, everyone here, and
6 the county executive. These thing go on all the
7 time; people forced out of their apartments,
8 people embarrassed in restaurants and told to
9 leave because they don't look very feminine. So
10 it is a problem here.

11 CHAIRMAN SCHMITT: Thank you.

12 Lawrence Cioffi, Nutmeg Court in
13 Plainview. Lawrence Cioffi.

14 MR. CIOFFI: I'm Lawrence Cioffi. I'm a
15 retired teacher. I live in Plainview. And the
16 reason I'm here is that last week I brought a
17 petition with several hundred names that was
18 submitted to Legislator Judy Jacobs, Mr. Schmitt,
19 and Commissioner Dale.

20 My petition states: We, the undersigned,
21 hereby declare that Nassau County Police
22 Commissioner Thomas Dale, have the legal
23 authority to discipline and fire cops. I feel
24 very strongly about this. I have been standing
25 in front of the supermarket. I have been reading

2 *Newsday*, following scandals on sex, injustices,
3 police officers not performing their job as they
4 should, being paid and compensated in ways that
5 do not justify the taxpayer.

6 I have here, in *Newsday*, where Police
7 Chief in Florida has stated the commissioner
8 needs to be the final voice in discipline. A
9 retired New York police captain, Edward Mannon,
10 works as a consultant and expert witness of law.
11 It says that Dale is being faced with tight
12 supervision and keeping track of his men, which I
13 assume all of you are fully aware of, is a
14 difficult situation when you have thousands of
15 police officers.

16 In no way whatsoever am I saying there
17 are no good policemen. There are policemen in my
18 family. However, the point should be strongly
19 taken that a bill should be passed so that the
20 police commissioner can discipline and fire bad
21 cops, which are going through arbitration, which
22 is justified in many ways but it doesn't solve
23 the problem because the ultimate decision should
24 rest solely on the hands of the commissioner
25 because the buck stops there and he is solely

2 responsible for the outcome of his police
3 department.

4 CLERK MULLER: Your three minutes have
5 expired.

6 CHAIRMAN SCHMITT: Mr. Cioffi, you said
7 you submitted a petition. I don't have a
8 petition. I'm trying to find out where it went.

9 LEGISLATOR JACOBS: Mr. Cioffi, I, too -
10 - I know that you've written me an e-mail about
11 your feelings and the fact that you were going to
12 be circulating a petition. But I just called my
13 office. I wasn't being rude to you when I went
14 on the cell phones. I hate the cell phones.
15 But, I wanted to just make sure I didn't miss
16 something. Who did you present it to? Did you
17 present it -- where did you go with the
18 petitions?

19 MR. CIOFFI: I was at ShopRite and --

20 LEGISLATOR JACOBS: I didn't mean that.

21 CHAIRMAN SCHMITT: No, no, no. Who did
22 you give it to here?

23 MR. CIOFFI: Say that again.

24 CHAIRMAN SCHMITT: Who did you give it
25 to here?

2 MR. CIOFFI: I gave it to a police
3 officer in the police department, and she said
4 she was going to give it to you.

5 CHAIRMAN SCHMITT: I wouldn't suppose
6 you know the officer's name?

7 MR. CIOFFI: What?

8 LEGISLATOR JACOBS: Can I say something
9 to you? We're not doubting you that you may have
10 given it to someone --

11 MR. CIOFFI: I gave one to the police
12 commissioner.

13 LEGISLATOR JACOBS: And in all respect
14 to everybody, sometimes -- there is so much going
15 on here, as you can tell from the number of
16 people in the audience, that it may have
17 inadvertently not crossed our desk. I do know,
18 going back at least a month ago, that you told me
19 you were going to be doing a petition on this.
20 But Peter and I were not being disrespectful. We
21 were both looking at each other because I knew I
22 hadn't seen it. And I just called my office to
23 see if they saw it, and they said they hadn't.

24 CHAIRMAN SCHMITT: Did you say you gave
25 a copy to the police commissioner?

MR. CIOFFI: Yes.

CHAIRMAN SCHMITT: Okay.

MR. CIOFFI: I gave it to Deputy
Inspector Kenneth Lack, Friday afternoon, three
o'clock.

LEGISLATOR JACOBS: This past Friday?

MR. CIOFFI: This past Friday.

LEGISLATOR JACOBS: It may not have
gotten to us yet.

MR. CIOFFI: And I was in this building
and the security -- there was a young lady who
said she normally does not work there, and I gave
her two copies. She said she was going to put
them in an envelope and forward it to you and
Legislator Schmitt.

CHAIRMAN SCHMITT: We'll give him the
benefit of the doubt. It was Friday. It hasn't
reached us yet.

LEGISLATOR JACOBS: We'll get it.

CHAIRMAN SCHMITT: But I'll check with
Kenneth Lack just to make sure we get our copies.
I thank you for coming up.

MR. CIOFFI: In conclusion, I would like
to see a bill passed that the police commissioner

2 has the authority to discipline police officers;
3 the bad ones, of course.

4 Thank you very much.

5 CHAIRMAN SCHMITT: Thank you.

6 Let the record show -- never mind.

7 Ted Levy.

8 MR. LEVY: Good morning. I'm Ted Levy,
9 Executive Director of Freeport Pride, a non-
10 profit that receives substance abuse and youth
11 services funding from Nassau County. I'm here to
12 speak against the proposed revisions of the Red
13 Light Camera Law and any funding reductions to
14 the Office of Youth Services and the Department
15 of Behavioral Health. I'm going to share with
16 you why the proposed actions are wrong and why
17 they are unnecessary. Here are the reasons
18 they're wrong.

19 The revisions of the Red Light Camera Law
20 would be a breach of faith and, in my opinion,
21 would represent a lack of integrity in county
22 government; here's why. State authority to
23 establish the red light camera program was
24 requested based on the revenues being tied to the
25 funding of county youth programs. Now that the

2 authorization is in place, it would be
3 disingenuous for the county to use the funds for
4 other purposes.

5 Every time we have pointed out that the
6 Red Light Camera Law protects county youth
7 programs, we were given excuses. First we were
8 told the law also covers the Department of Social
9 Services; therefore, there were insufficient
10 revenues. This, despite the clear language of
11 the law stating otherwise. Then we were told
12 that the fund had to cover the entire budget of
13 the designated departments, despite the language
14 of the law limiting inclusion to only the cost of
15 contract agencies. Then we were told that the
16 fund had to cover the gross contract cost when
17 the state was actually already paying for over
18 half these costs; this, despite the fact that
19 such double billing would be clearly wrong and
20 unlawful. Then, after we had debunked all of
21 that, and as early as last year we were told,
22 well, we could always revoke the law.

23 When the fund was established, Nassau
24 County made a commitment to county youth
25 programs. And be reminded, all of you who were

2 on the legislature in 2009 voted to approve the
3 red light camera rule.

4 The dictionary defines a pawn as somebody
5 or something that is being used for the advantage
6 of another person or organization, somebody who
7 is held as security usually as a hostage. The
8 funding of youth programs has, year after year,
9 been a pawn in county politics. The county said
10 we needed the red light camera program to fund
11 county youth programs. Now that the county has
12 the revenues associated with this initiative,
13 we're no longer needed and our elimination has
14 been proposed. And today our programs and those
15 we serve are being used as pawns in a new
16 political feud.

17 Now the reasons the proposed action is
18 unnecessary.

19 Over the last week we have been told
20 repeatedly we don't want to rescind the red light
21 camera law or revise it; we don't want to
22 eliminate your programs but we have no choice. I
23 have good news. We have developed a plan that
24 makes the proposed action unnecessary.

25 The Office of Management and Budget, last

2 month, projected red light camera income, as the
3 end of this month, at over \$10.5 million. This
4 projects a net revenue of over \$7 million. The
5 red light camera fund ended 2011 with a surplus
6 in excess of \$6 million. This total of over
7 \$13.6 million exceeds the \$8.5 million necessary
8 to fund the contracts of the designated
9 departments.

10 CLERK MULLER: Your three minutes have
11 expired.

12 MR. LEVY: Therefore, there is no need
13 to cut or eliminate the contracts of these
14 departments.

15 I have one paragraph left, if I can.

16 CHAIRMAN SCHMITT: Go ahead.

17 MR. LEVY: As I speak, some of you are
18 preparing what you might say in response to my
19 comments. Your comments will start with, we
20 support your programs and we don't want to see
21 them cut or eliminated, but the other side of the
22 aisle is really to blame. Please don't say that.
23 Leadership is not pointing a finger to the other
24 side of the aisle. Statesmanship is not saying
25 there is nothing I can do, it's their fault.

2 It's unfortunate that so many of our
3 representatives had decided to govern by blaming.
4 It's the most shallow and dishonest approach to
5 governing. Will one of you, instead, tell me
6 what we can do?

7 Thank you.

8 CHAIRMAN SCHMITT: Okay. I know there's
9 going to be a lot of give-and-take, and there
10 will be a hearing on this -- may be hearing on
11 this today; depends on what happens with the
12 bonding that is on for the tax certioraris. I
13 only take issue with you on one thing in your
14 comment.

15 You said that the red light camera
16 authorization, in the beginning, came with the
17 promise that it would be tied to youth funding;
18 that's not so and you know that's not so. The
19 red light camera authorization came from Albany.
20 It was an authorization for the county to put up
21 50 red light cameras, and fines obviously being
22 set at what they were set at. It was this
23 Legislature, both sides, that came up with the
24 idea of tying that money or dedicating that money
25 to go into youth programs. We did that, not the

2 state. It was done in a bipartisan fashion.
3 That was then, and this is now.

4 And I agree with you; I'm not going to
5 point fingers. I'm not going to say talk to the
6 other side of the aisle. But I will tell you
7 what I told you when we met. If the bonding
8 passes that's on the calendar today -- I'm not
9 telling anybody how to vote. If the bonding
10 passes, all of this goes away. If it doesn't, we
11 have to lead. You said it yourself. We have to
12 lead.

13 This county needs to save \$41 million.
14 There are \$41 million in tax cert judgments out
15 there. If the bonding to pay those judgments
16 fails and the judgments start to come into the
17 county to be satisfied, we need to accumulate the
18 money -- we, the County -- need to accumulate the
19 money to pay those judgments.

20 The low lying fruit in this county is
21 gone. We have eliminated. We have cut back. We
22 have cut spending. We have consolidated
23 departments. We have eliminated 1,776 positions.
24 We need \$41 million. If that means that we have
25 to go where we have to go, that's where we have

2 to go because we have to have \$41 million. It's
3 not anything against you. It's not anything for
4 you. It's just a statement of fact; the County
5 needs to accumulate \$41 million to pay those tax
6 cert judgments, and we're going to have to lead.
7 You're right. Everybody has to lead. So there's
8 decisions to be made today. It's on the
9 calendar. We will have a vote on the tax cert
10 bonding and it will go up or down, whatever way
11 the members of this legislature decide how they
12 wish to vote, and their votes will have
13 consequences. Pleasant consequences one way,
14 very unpleasant consequences for all of us the
15 other. But we're going to do what we have to do.

16 MR. LEVY: Mr. Schmitt, I want to
17 correct you on the tying to the youth funding.

18 I was here at the legislature when the
19 county executive's office, at the time, made the
20 presentation on a PowerPoint presentation and
21 showed the cuts that would happen if the money
22 didn't come in. And we were asked by the county
23 executive to bring -- to advocate. Mr. Schmitt,
24 we were asked to the county executive to
25 advocate. Mr. Schmitt --

2 CHAIRMAN SCHMITT: Anybody on the --

3 MR. LEVY: I just want to finish my
4 comments. I was trying to correct you. That
5 that presentation was made here and I was here
6 with the PowerPoint that was made by the county
7 executive where he tied the funding to the
8 continued funding of our programs. And then he
9 met with us and asked us to advocate on his
10 behalf at press conferences, etcetera, where we
11 were there and then we were told to reach out to
12 our legislators to explain to them that the
13 passage of this was tied into funding for youth
14 programs.

15 CHAIRMAN SCHMITT: When was this?

16 MR. LEVY: We met with Irlene Hooper
17 Hill, the --

18 CHAIRMAN SCHMITT: Excuse me. When was
19 this?

20 MR. LEVY: This was when the law was
21 passed.

22 CHAIRMAN SCHMITT: So back in 2007?

23 MR. LEVY: No. 2009 the law was passed.

24 CHAIRMAN SCHMITT: 2009. I'm sorry. So
25 don't -- it is confusing, and I'm sure not by

2 design. Don't say county executive. Say who it
3 was. It was Tom Suozzi. It was not Mangano.

4 MR. LEVY: I'm not implying any county
5 executive --

6 CHAIRMAN SCHMITT: I understand that,
7 and I'm not being argumentative. What I'm saying
8 to you is that when somebody says the county
9 executive, in peoples' minds flashes Ed Mangano.

10 MR. LEVY: The then-county executive.

11 CHAIRMAN SCHMITT: Thank you.

12 MR. LEVY: It was tied. Mr. Schmitt,
13 the point of the law was not to protect agencies
14 when protection wasn't necessary, when there was
15 money plentiful. The idea was to protect
16 agencies as money got tight because we had worked
17 to get that money into Nassau County. To now
18 rescind that law is just a breach of faith of a
19 commitment that was made to youth programs and to
20 human service programs.

21 CHAIRMAN SCHMITT: It's an unpleasant
22 situation, I'll grant you that. I have many
23 legislators who want to respond.

24 MR. LEVY: Now, I want to remind you
25 that we presented a proposal. I presented it to

2 you when I met with you. I presented it to Mr.
3 Abrahams when I met with him last week, and I
4 also discussed it with Mr. Nevin and with Mr.
5 Sullivan in brief telephone conversations that
6 does there is already sufficient money realized
7 in the red light camera fund from the small
8 rollover from last year and from the amount that
9 was already raised this year to cover all the
10 contracts in the human services department for
11 the rest of this year.

12 CHAIRMAN SCHMITT: And what did they
13 say?

14 MR. LEVY: What I was told is we'd have
15 to look into that. We may want to take that
16 money back retroactively. I said is that legal?
17 He said it's a matter for the lawyers. That's
18 what your aide said in our meeting, that it could
19 be taken retroactively. But that just doesn't
20 make any sense. If you passed a law today, it
21 can't affect what was done in the past. I would
22 ask that you not go through with the intended
23 actions because we have an alternative.

24 I want to remind you that we came up with
25 the alternative for the Wal-Mart settlement case,

2 which restructured the Wal-Mart monies that were
3 paid to the county as part of that lawsuit, and
4 saved drastic cuts to youth services programs
5 three years ago. We've also worked to get money
6 donated to the county to help pay for our causes
7 through several foundations. So we have always
8 come up with alternatives and tried to present
9 them to the county. But the idea is not to say
10 we can't do this because of that or because of
11 this, but to work together to make it happen. As
12 I tried to implore in our meeting with you, this
13 can be avoided if we work together. But if there
14 is a vote here without anybody reaching out to
15 us, without any conversation with us and just
16 saying we're going to take you out of the red
17 light camera law and authorize the county
18 executive to eliminate your two departments,
19 that's just not a proper -- that's not
20 leadership.

21 CHAIRMAN SCHMITT: Okay. Legislator
22 Jacobs.

23 LEGISLATOR JACOBS: Ted, you know we've
24 worked together for what? Almost 17 years.
25 There's no question in my mind that youth

2 services as well as some other very seriously
3 affected services for seniors and for a variety
4 of reasons, mental health, etcetera, have always
5 been caught in this web because they really are -
6 - and I hate the word and I know you hate the
7 word - "discretionary", even though they affect
8 the people that we all want to help the most.

9 There is no question. There is nothing
10 in the history you just gave that is wrong.
11 Finally, when County Executive Suozzi, in 2009,
12 came forth again with the red light cameras, it
13 was this legislature, in a bipartisan way, that
14 decided, okay, we'll agree to the red light
15 camera money as long as it forever more takes the
16 most vulnerable people in the county out of the
17 equation of being slashed and burned each time
18 and having to fight for their very existence.

19 To be very honest with you, this really
20 saddens me because the amount of money --
21 especially, you're here for youth board. The
22 amount of money that is really, we're talking
23 about for youth board, it doesn't even come close
24 to what this county is in trouble about.

25 MR. LEVY: Total for human services is

2 .2 percent of the total county budget.

3 LEGISLATOR JACOBS: Exactly. But the
4 point is this. This is what is always something
5 that people gravitate to because emotions run
6 high with it. And I thought we had saved you
7 from this again when that happened in 2009.
8 Unfortunately, you're right back here pleading
9 for your very existence. Shame on us, all of us,
10 on either side of the aisle if we can't find an
11 alternative. And if there was a surplus last
12 year, then use that surplus. But I'm saying to
13 you that to put you in this position again breaks
14 my heart. I will not be a party to it. We have
15 to dig deeper and we have to think more clearly.
16 Certainly your small part of that budget should
17 not be the ones that are continuously fighting
18 for your last breath not to happen.

19 I'm with you. I've always been with you.
20 And I thought we had stopped you from having to
21 be here again on this matter, but I guess I was
22 wrong.

23 MR. LEVY: One thing I would just like
24 to clarify is when you said because we're
25 discretionary. We are no longer discretionary if

2 the law calls for us to be funded through this
3 money. But what we can't do is say we decided in
4 our wisdom, unanimously, that you would not be
5 discretionary, but now we've changed our mind
6 because we have a fiscal crisis. The idea was to
7 protect us in a fiscal crisis, not to protect us
8 when money was plentiful.

9 One legislator, and I won't mention the
10 name, but said it really very clearly. This is
11 to prevent the county executive from grabbing the
12 money and using it for something else. But
13 that's what's being done. The money is being
14 grabbed and use for something else.

15 LEGISLATOR JACOBS: I know what
16 legislator said that.

17 CHAIRMAN SCHMITT: I think I said that.

18 LEGISLATOR JACOBS: And I remember it
19 distinctly.

20 CHAIRMAN SCHMITT: I said that, right?

21 LEGISLATOR JACOBS: I don't think so. I
22 don't want to say who.

23 CHAIRMAN SCHMITT: Did I say that?

24 LEGISLATOR JACOBS: I'm don't want to
25 say who.

2 CHAIRMAN SCHMITT: Let's go by process
3 of elimination.

4 LEGISLATOR JACOBS: But I'm going to
5 tell you something.

6 CHAIRMAN SCHMITT: Did I say that?

7 LEGISLATOR JACOBS: People have to put a
8 memory cap on --

9 CHAIRMAN SCHMITT: I did. Yes. I did.

10 LEGISLATOR JACOBS: and realize --

11 CHAIRMAN SCHMITT: He says I said that,
12 Judy.

13 LEGISLATOR JACOBS: Who said you said
14 that?

15 CHAIRMAN SCHMITT: Ted says I said that.

16 MR. LEVY: I have the transcript. You
17 said that you wanted to prevent the county
18 executive from grabbing the money and using it
19 for something else. That's what the county is
20 now doing, they're grabbing this money and using
21 it for something else, which you wanted to
22 prevent. You said it had to be prevented.

23 CHAIRMAN SCHMITT: And I would say it to
24 you again, if we were in a normal fiscal
25 situation.

2 MR. LEVY: You didn't say I want to
3 prevent him grabbing it if we're in a normal
4 fiscal situation.

5 CHAIRMAN SCHMITT: I plead guilty to the
6 idea that I never envisioned a control period, I
7 never envisioned the county at the verge of
8 bankruptcy, and I never, ever, ever envisioned an
9 irresponsible, out of control minority, who would
10 do --

11 LEGISLATOR JACOBS: Wait a second.

12 CHAIRMAN SCHMITT: I'm sorry. I'm
13 sorry.

14 MR. LEVY: This is not --

15 LEGISLATOR JACOBS: Listen. Ted --

16 MR. LEVY: about --

17 CHAIRMAN SCHMITT: Judy Jacobs waxes
18 poetically about hopefully we can come up with an
19 alternative. There is an alternative on the
20 calendar today. And in the ten years that they
21 were in charge, the Republican minority never,
22 not one time, never -- and you can go to the
23 books and check it -- never turned down bonding
24 for tax certioraris because it was the
25 responsible thing to do, even after they thwarted

2 our efforts in 2008 or 09 to fix the system, we
3 still provided the votes for the bonding for tax
4 certs. Now we're in a situation where they make
5 their choices, Ted, and then we have to make
6 ours.

7 LEGISLATOR JACOBS: Ted --

8 CHAIRMAN SCHMITT: If they turn --

9 MR. LEVY: I asked you a little while
10 ago -- I asked everybody to please not blame the
11 other person. You said, okay, I won't do that,
12 and then you went ahead and did it.

13 LEGISLATOR JACOBS: It's hard not to.

14 CHAIRMAN SCHMITT: Because everybody is
15 asking for an alternative, and I want everybody
16 to understand --

17 MR. LEVY: I want an alternative, but
18 the alternative --

19 CHAIRMAN SCHMITT: there's an
20 alternative on the table.

21 MR. LEVY: but the alternative is not to
22 blame. I'm not pointing this out to you. I
23 don't want the Democrats to say it's the
24 Republicans' fault for something. I don't want
25 the Republicans to say it's the Democrats' fault.

2 I want people to work together for one time to
3 find a solution.

4 CHAIRMAN SCHMITT: We did.

5 MR. LEVY: Everybody's telling me why
6 this can't be done. I know it can be done if we
7 work together. If somebody steps above these
8 partisan fights that always go on and using us as
9 pawns and say we're not going to use them as
10 pawns because this is important. So let's work
11 together. Let's lock ourselves in a room -- this
12 is what I said to you when we met. Let's lock
13 ourselves in a room and come up with a solution,
14 not a fight.

15 CHAIRMAN SCHMITT: A solution. You want
16 a solution to be leave us alone and go someplace
17 else. I understand that.

18 MR. LEVY: No, no. I didn't ask for
19 that. I said I'm here to give you solutions.
20 I'm here to work with you. I'm here to --

21 CHAIRMAN SCHMITT: We need \$41 million.

22 MR. LEVY: We've always stepped up to be
23 part of the solution. We've always stepped up.
24 We even lobbied this year for the red light
25 camera money even though it wasn't going to us.

2 LEGISLATOR JACOBS: I just want to
3 finish what I started.

4 CHAIRMAN SCHMITT: Please do.

5 LEGISLATOR JACOBS: Listen. Back in
6 2007, from the operating budget, this County paid
7 \$50 million for tax certs. Back in 2008, from
8 the operating budget, this is not bonding, this
9 county paid \$40 million. Back in 2009 we paid
10 \$50 million for the operating budget. I mean,
11 I'm sure you know where I'm going with this.
12 There was a fiscal crisis then, and there is a
13 fiscal crisis now. And during the fiscal crisis
14 then, in spite of the fiscal crisis, this
15 legislature stood up to the county executive,
16 which was Suozzi at the time, and said no, no,
17 no, no; you want red light cameras, earmark it to
18 protect the youth board, to protect social
19 services so we can go forward. Same crisis, my
20 friend. Things have not changed that much in
21 three years; we know that. The country has not
22 changed that much. So just realize what I'm
23 saying to you. For all those years -- 07, 08,
24 and 09, and 10 -- there was money in there. Now
25 we're going to bond for this, last year and this

2 year. That's the only change there's been. You
3 need good organization. You need to think out of
4 the box. We used to think out of the box and we
5 got it done.

6 I'm not talking about the other side. I
7 can only talk for this side. There is no --

8 CHAIRMAN SCHMITT: Mrs. Jacobs, we
9 bonded in those years too.

10 LEGISLATOR JACOBS: Pardon me?

11 CHAIRMAN SCHMITT: The record shows that
12 we bonded in those years too.

13 LEGISLATOR JACOBS: Excuse me. What I
14 just gave you is the facts from the fiscal people
15 in this county. I'm telling you that --
16 forgetting about who or what, you don't care
17 who's responsible, you just want us all to be
18 responsible for keeping you whole.

19 CHAIRMAN SCHMITT: On that we can agree.
20 We don't care who is responsible. We want to
21 move forward. And in order to move forward these
22 tax certiorari claims must be paid; that requires
23 a 13 member vote of the legislature to bond, as
24 you well know. It either passes or it doesn't.

25 LEGISLATOR JACOBS: And it's only youth

2 board that has to suffer if that doesn't happen.
3 Give me a break, Peter.

4 CHAIRMAN SCHMITT: Obviously, if you
5 read the legislature it's not youth board.

6 LEGISLATOR JACOBS: That doesn't even
7 get you off square one and start.

8 CHAIRMAN SCHMITT: And then the rest
9 comes with the following piece of legislation
10 which authorizes the county executive to do what
11 has to be done -- furloughs, whatever it is,
12 closing departments, shuttering departments,
13 whatever has to be done to get us up to that \$40
14 million mark. It's it. It's now. It's the end
15 of the road. There is no more road to kick the
16 can down. We either do this bonding or we gotta
17 do something else.

18 Legislator, are you done?

19 LEGISLATOR JACOBS: I'm done, because
20 I'm not going to keep going and I'm not going to
21 --

22 CHAIRMAN SCHMITT: Me too.

23 LEGISLATOR JACOBS: point fingers at
24 you.

25 CHAIRMAN SCHMITT: Legislator Denenberg.

2 LEGISLATOR ABRAHAMS: Actually, I was
3 next.

4 CHAIRMAN SCHMITT: I'm sorry. I had you
5 checked off already. Legislator Abrahams.

6 LEGISLATOR ABRAHAMS: Thank you,
7 Presiding Officer Schmitt.

8 Ted, first, I want to thank you for
9 coming down. I want to thank everyone in the
10 audience for coming down on such an important
11 issue. I just want to bring up a very important
12 issue that I think is being overshadowed, that I
13 think we talked about when we met on Friday.
14 That issue, in itself, is that this legislature,
15 or this county executive, I should say, has been
16 dealt the very difficult task of coming up with
17 100 -- I'm sorry -- \$150 million in savings for
18 this year before NIFA will adopt his plan. I
19 know there's a lot of discussion that his plan's
20 been adopted. But I think everyone full well
21 knows, and I think the *Newsday* editorial kind of
22 categorized it, I think, very well in
23 demonstrating what the optical is this morning.

24 The Presiding Officer asked me to put on
25 the record that Legislator Ford and Legislator

2 Scannell are here in attendance and in their
3 seat.

4 That said, Ted. It's very identifiable
5 that the fact remains that NIFA, even with the
6 votes of this legislature to support any kind of
7 level of borrowing, still has the final say. And
8 in discussions that we have had, as well as it
9 being public and being in the papers and written
10 down in letters, there is no will of NIFA to
11 support any bonding of any magnitude without the
12 \$150 million in place. As we all know, *Newsday*
13 reported earlier today -- I had given the county
14 executive a little bit more credit in our meeting
15 on Friday. The number is actually under \$100
16 million if you go by what *Newsday* reports today.
17 I was under the impression it was a little bit
18 higher. That being said, the fact remains
19 they're still \$50 million short. Now, if someone
20 can show me some documentation that NIFA would
21 support the level of borrowing of what Mr.
22 Schmitt is referencing today in regards to bond
23 certioraris, then maybe I have a different tune
24 in regards to what he is saying. Not with
25 regards to the borrowing, but in regards to the

2 measures that he's talking about that he needs to
3 take.

4 The bottom line is very simple. This
5 legislature is being asked to do something when
6 the oversight body may not go along with it at
7 all. And to be frank with you, the oversight
8 body has been asking for these savings for the
9 last four months. They were due on February 1,
10 2012. We are now approaching June 1 and we still
11 don't have anything in place. So the only
12 direction I truly see, and that's in support of
13 what you're trying to accomplish today, is the
14 fact remains that without -- they're saying that
15 without -- and I don't want to put it to them. I
16 just want to make sure I'm rehashing everything
17 so we can say it clearly. The majority is saying
18 that, basically, if there is no borrowing in
19 place, then we have to go to these drastic cuts.
20 But they, themselves, can't even fully say that
21 with confidence. Because to say that with
22 confidence means that they must have the blessing
23 of NIFA that the borrowing will go through on
24 their end if this legislature approves it. I
25 don't think that's been said. I don't think

2 that's been said to anyone in this legislative
3 body. Now, if that is truly the case, then the
4 bottom line is very simple. Then what they're
5 talking about in terms of how to get the savings
6 is not reality. Reality is, I truly believe,
7 that you guys, and I've said this to you before -
8 - youth board, seniors was always a target to get
9 the \$150 million in savings from the
10 administration. And I truly believe that the
11 repealing of this law will help them get toward
12 their \$150 million cut. Now, to backtrack to
13 2009.

14 It was always our believe to take the
15 political football -- to take you guys away from
16 being a political football. It was always our
17 belief that no matter what came up, the red light
18 camera fund was a designated fund for youth
19 board, seniors, and other agencies, whatever the
20 ones within the law. From our standpoint, if you
21 have the willingness -- if you're unwilling to
22 stay obligated to that law, then obviously what's
23 the point of the law in the first place when we
24 did it in 2009? If it's so easy to repeal it
25 when the going gets tough, I just don't see the

2 sense of why we did it. Then to say it's the
3 democrats or the republicans, I'm going to
4 respect your wishes. I'm not going to get into a
5 blame thing back and forth. To me, it seems a
6 little disingenuous, that when you passed the
7 law, suddenly the law doesn't really matter
8 anymore because things have gotten so rough.

9 To answer to their point, I just don't
10 see the willingness from NIFA. If somebody could
11 show me something different, I would love to see
12 it. I don't see the willingness from NIFA to
13 support any levels of bonding without a
14 substantial amount of savings of \$150 million
15 being in place.

16 MR. LEVY: Kevan, I appreciate your
17 point. And I want to let other people have an
18 opportunity to speak. But I do want to say, just
19 for the record, something that we shared with
20 you. Our coalition is not taking a position on
21 the borrowing. I know you understand it, but I
22 just wanted to put that on the record. We don't
23 know enough about whether it's a good idea or a
24 bad idea. All we want is we think there are
25 alternatives to this fight that protect our

2 system. I have two documents -- I'll give one to
3 you and one to Mr. Schmitt -- that explain where
4 the funds are already existing. If the funds are
5 there, there's no need to vote to rescind them
6 today because we have shown where they are. We
7 have shared this with Mr. Sullivan briefly, and
8 now we've shared it with the majority leader and
9 minority leader.

10 We have a proposal. We have an
11 alternative. We have a way this doesn't have to
12 be done. So please don't say our back's up
13 against the wall.

14 LEGISLATOR ABRAHAMS: Please. By no
15 means, I don't want you to believe or think that
16 I was implying that you should support the
17 position.

18 MR. LEVY: I know you're not. I just
19 wanted to clarify.

20 LEGISLATOR ABRAHAMS: My point was,
21 basically, I heard the presiding officer talk
22 about the fact that, you know, bonding is going
23 to pass or not pass. Absent from his argument,
24 he left out the fact that obviously there's an
25 oversight board that has to approve the bonding

2 as well. As you probably well know, that same
3 board already, in a few short days, did not
4 approve bonding for the Aquatic Center, as well
5 as did not approve a contract for Morgan Stanley
6 for the privatization of sewers. So there's
7 obviously another entity that's involved that he
8 chose to neglect, for whatever reason. That
9 being said. Since that entity is obviously the
10 800 pound elephant in the room, I think from our
11 standpoint, for someone to say in this
12 legislature that if this passes today you'll be
13 able to get your contracts, I think is not giving
14 you the full facts and the full truth. When,
15 full well, I have not seen anything. Someone can
16 correct me where I'm wrong. I have not seen any
17 documentation that NIFA would support any level
18 of borrowing for anything without the \$150
19 million being in savings, which they would do on
20 February 1, 2012, and now we're approaching June.

21 MR. LEVY: Thank you all.

22 LEGISLATOR ABRAHAMS: Thank you, Ted.

23 LEGISLATOR GONSALVES: Legislator
24 Denenberg. Anything else to add?

25 LEGISLATOR DENENBERG: Ted, Ted. You

2 know what? I heard you loud and clear. The
3 issue you are here to speak about is a promise
4 was made -- it wasn't just a promise, it's a law
5 -- in 2009, when this body faced closing a \$150
6 million budget gap, which is -- I think I got it
7 on the nose; the buzzer went off. But we were
8 facing a \$150 million budget gap, which is
9 exactly what NIFA wants to see closed right now,
10 \$150 million. In a bipartisan way, this
11 legislature said, because you were being
12 threatened with cuts, your \$14 million worth of
13 contracts, when you talk about youth, behavior
14 services, and mental health, seniors, and
15 veterans. That's what you were faced, \$14
16 million in cuts to come up with part of that 150.
17 We said, in a bipartisan way, no. Because the
18 county executive can keep coming back to us
19 again, and again, and again, and saying unless
20 you approve this, I'm going to cut the
21 discretionary youth and mental health services.
22 Right? And we said no -- whether it was drug and
23 alcohol, mental health, youth. We put a
24 continuing revenue source in so that you weren't
25 held hostage all the time. It's the truth. If

2 that's taken away, if that's taken away, today
3 you're being held hostage to \$41 million in
4 borrowing. Tomorrow there's a bill right behind
5 there for \$102 million in borrowing. And then
6 there's a bill for yet another \$114 million for
7 borrowing. You will always be held hostage
8 unless we keep our promise, which was done in a
9 bipartisan way in February 2009, when then-county
10 executive said the walls are caving in. Merrill
11 Lynch just went bankrupt. Sales tax plummeted by
12 over \$100 million. And we said here's your
13 revenue source. You say you need this for mental
14 health. We'll trust you, but we're going to make
15 it law. Don't ever undo what we did because that
16 took you away from discretionary funding. This
17 puts you right back at the mercy of any county
18 executive and any legislature. So the bottom
19 line is this.

20 You will -- if this is taken away -- I
21 voted against the second stage of red light
22 cameras because I saw it was going to the general
23 fund, and it was paving the way that now, even
24 the first stage is being taken away from where it
25 was supposed to be. And at that time the current

2 county executive was a legislator. The current
3 presiding officer said we don't want to let the
4 county executive use this money any other way.
5 So why -- what's changed? Why are we allowing
6 the county executive to use the money any other
7 way? A \$150 million worth of cuts will always
8 include you if this is repealed. We can't repeal
9 it.

10 MR. LEVY: We were told that the need is
11 only for this year because of accumulation of tax
12 certs and that it wasn't needed going forward.
13 But the law is not just to change it for this
14 law, it's to change it going forward. When I
15 questioned that, I was told there may be need in
16 other years. That's just not right.

17 LEGISLATOR DENENBERG: There's \$400
18 million worth of tax certs coming. Four-hundred
19 million. Not 42. Four-hundred million. So this
20 is going to happen again and again. When we were
21 in the majority and they were in the minority,
22 you know what? No one pointed fingers. We said,
23 you know what County Executive Suozzi, at the
24 time, you can't touch them. You want the red
25 light cameras, dedicate the money to protect

2 these agencies.

3 I want to protect these agencies. I'm
4 going to vote no to repeal it and all of us
5 should, period.

6 MR. LEVY: Thank you.

7 LEGISLATOR DENENBERG: Let me just say
8 this. Isn't this ironic that some of the money
9 that could go to you went out for this mailer
10 that said, hey, thank you, Ed Mangano, for not
11 borrowing against my future. What you're being
12 told right now is that we need to borrow against
13 your future to save our present. You know what?
14 So why are we mailing this? I don't need to
15 borrow against my future to save the present. We
16 took care of it. The first red light cameras
17 have to go to you. To repeal it, particularly
18 retroactively, is a shame, it's wrong, and it has
19 to be stopped.

20 MR. LEVY: Thank you all. Mr. Schmitt,
21 thank you for the time. Mr. Schmitt, I left the
22 document for you.

23 CHAIRMAN SCHMITT: Legislator
24 Nicoletto.

25 LEGISLATOR NICOLELLO: I just wanted to

2 make a couple of points in response to some of
3 the things that have been said.

4 Legislator Schmitt had mentioned that we
5 had approved borrowing over the last ten years.
6 The amount of borrowing that we approved was a
7 billion dollars. A billion dollars in borrowing
8 over ten years. Republicans, time after time
9 after time, gave the votes so that that borrowing
10 could go forward. That borrowing went forward,
11 the county kept operating. The money was there
12 to fund the programs.

13 The bonds that we're approving today,
14 many of which of these tax refunds date back ten
15 years, 15 years, they're not new. They were
16 generated by mistakes in assessment over the last
17 15 years.

18 There's been a lot of discussion about
19 the evils of borrowing. No one up here likes to
20 borrow for tax refunds. Obviously, we have done
21 it in a responsible way for over ten years
22 because we knew it would shut down county
23 government. But the issue today is not whether
24 or not borrowing is good. It's not whether or
25 not NIFA is going to approve it. The issue is

2 are we going to get votes from the minority to
3 approve this? And they've already said, in
4 writing, that they will not approve any borrowing
5 until they get the districts that they want.

6 It's not about NIFA. It's not about pay-
7 go. It's about they want the districts, and
8 they're not going to give us the votes, number
9 one. It's in writing.

10 MR. LEVY: But can't you take us out of
11 that argument? I don't want -- you see, you're
12 going to say it's about redistricting, they're
13 going to say something back, and you're going to
14 forget that I'm standing here. Can't we come out
15 of that argument and deal with our issue? I
16 don't want to hear about borrowing, and I don't
17 want to hear about redistricting. I don't have
18 an opinion about that. I'm not a politician.
19 I'm here to talk about my issue --

20 LEGISLATOR NICOLELLO: Let me say this.

21 MR. LEVY: and I'm going to implore you
22 to please take us out of your feud.

23 LEGISLATOR NICOLELLO: You said you
24 don't care whether it's good or bad, the
25 borrowing.

2 MR. LEVY: On a personal level, I care.
3 But representing the --

4 LEGISLATOR NICOLELLO: Let me tell you
5 why --

6 MR. LEVY: youth and substance abuse
7 program, we don't have an opinion.

8 LEGISLATOR NICOLELLO: Let me tell you
9 why it is vitally important for the youth
10 programs.

11 They mentioned the fact that there's
12 upwards of \$100 million more in cuts that have to
13 be achieved. Before we even touch the borrowing,
14 that's \$100 million. That's a lot of work.
15 We're in crisis. If, today, we don't approve
16 that borrowing, there's \$41 million in judgments
17 that are outstanding. That will allow the
18 attorneys who have those judgments to freeze bank
19 accounts to the tune of \$80 million. Now, in the
20 environment in which we already have to seek
21 cuts, in which we have a crisis, that puts us
22 over the edge.

23 Now, everyone in this room who is in the
24 youth agencies is an intelligent person, you
25 contribute a tremendous amount to society. I

2 can't believe that anyone out here doesn't
3 understand how bad it is if we don't approve this
4 borrowing today.

5 MR. LEVY: Let me paraphrase what you
6 just said; it's their fault.

7 LEGISLATOR NICOLELLO: Come on.

8 MR. LEVY: That's what you just said.

9 LEGISLATOR NICOLELLO: Don't you
10 understand --

11 MR. LEVY: You said it's their fault.
12 If I speak to them about borrowing, you know what
13 they're going to say? It's your fault.

14 LEGISLATOR NICOLELLO: I don't care
15 whose fault it is. Don't you understand the
16 impact on your agencies if we don't approve this
17 borrowing? Can't you understand how bad it is
18 for you?

19 MR. LEVY: Yes. I've given you an
20 alternative that takes us out of the borrowing
21 dilemma.

22 LEGISLATOR NICOLELLO: Get me \$40
23 million on top of the \$90 million we have to get.

24 MR. LEVY: I can't solve all the county
25 problems. I can just fund our agencies. I'm

2 sorry.

3 LEGISLATOR NICOLELLO: I can solve 40
4 million of it today.

5 MR. LEVY: I can't fund the whole
6 county. I'm not that good.

7 LEGISLATOR NICOLELLO: I understand
8 that. But you all have to understand how bad it
9 is for the youth agencies, the senior agencies,
10 the employees of the county, if we don't do this
11 responsible act of continuing this borrowing. We
12 did it for ten years for a billion dollars.

13 MR. LEVY: Okay. I can't make my point
14 anymore.

15 CHAIRMAN SCHMITT: Legislator DeRiggi-
16 Whitton.

17 LEGISLATOR DeRIGGI-WHITTON: Thank you.
18 I just want to say, as a newcomer you kind of see
19 things a little bit differently. One thing, away
20 from the politics, I've heard Rob Walker stand
21 there and say there's \$90 million in our budget
22 right now that's available that has not been
23 designated to any area that's available. So I
24 understand how they can say that they don't have
25 this money and this money has to come from you.

2 Number two. The red light camera. We
3 asked for an audit for what's been owed to you,
4 as well as many of the other parties that I've
5 met with. We still have not received that.
6 There's money that's owed to you that would
7 absolutely come in handy right now that should
8 not be taken away from you.

9 Number three. When I asked Rob Walker,
10 okay, listen, if you're going to take the money
11 away from these groups for the red light camera
12 when you're waiting for us to bond or whatever,
13 when are you going to give it back? Are you
14 going to give it back to them right away? And he
15 would not commit to that.

16 I don't think that this has anything to
17 do with the borrowing. I honestly think that
18 they want to put this money in the general fund
19 and they are using this as an excuse. They know
20 how important these areas are to us. And I
21 really, everyone knows how important it is. I
22 just have one other thing.

23 What they're saying right now is a
24 billion dollars in ten years, that's \$100 million
25 a year. That's a quarter of what they're going

2 to be borrowing for for this year. So when you
3 really look at this, what we need to do is get
4 financially responsible. There's still a lot of
5 waste in this budget. And to use you guys as the
6 ones that we know that we care about, really,
7 it's appalling to me. And I'm sorry that you're
8 going through this.

9 The bottom line is we can all vote to
10 borrow today, and NIFA's going to say now. So
11 there has to be other ways to come up with this
12 money. I think it's already in the budget for
13 you and I think you already owed it from past
14 amounts that are due.

15 CHAIRMAN SCHMITT: Legislator Troiano.

16 LEGISLATOR TROIANO: Ted, can you just
17 come back just for a second? I'm only going to
18 speak for about 30 seconds.

19 We've heard some discussion today about
20 leadership. And leaderships is about making
21 tough choices. We've heard from the presiding
22 officer that in this case there really are no
23 other choices to be made. We don't really need
24 leadership because there's a certain path we have
25 to follow. Out of \$2.7 billion in the county

2 budget, the only choice we have - the only choice
3 we have out of \$2.7 billion is to cut youth
4 service program, programs for the aging, and
5 mental health programs. Out of \$2.7 billion.

6 Leadership is about making choices. It
7 is a choice to choose to cut these programs. It
8 reflects the county executive's priorities.
9 There are other choices. And I think this board
10 owes it to you, Ted, to at least get a copy of
11 the other items that you've identified that could
12 be cut, rather than cut the neediest amongst us.
13 So I ask that the district clerk make copies for
14 every member of the legislature to see that, so
15 we can make a decision that's not based on a
16 false choice, or having only one choice, that's
17 based on a full knowledge base that there are
18 other alternatives. Because leadership is about
19 making choices and setting the proper priorities.

20 CHAIRMAN SCHMITT: Legislator Troiano,
21 there are other alternatives. What are they?

22 LEGISLATOR TROIANO: That's what I want
23 to see.

24 MR. LEVY: Mr. Schmitt, I presented them
25 to you Friday, and I have them here in the

2 documents today.

3 LEGISLATOR TROIANO: I don't think the
4 choice is that we have an ad, a campaign piece
5 paid for by the county taxpayers that threatens
6 to cut this young child's future, because we're
7 going to cut and destroy his present.

8 So can we see the copies?

9 CHAIRMAN SCHMITT: What?

10 LEGISLATOR TROIANO: Can we have copies
11 made of the other choices?

12 CHAIRMAN SCHMITT: Can we have copies
13 made? And give them to the clerk.

14 When we get to the actual hearing,
15 Legislator De-Riggi-Whitton, there will be people
16 here from Office of Budget and Management, who
17 will be able to address the issue of using the
18 fund balance and why it is not a feasible idea.

19 Jamie Bogenshutz.

20 MS. BOGENSHUTZ: Good morning. I don't
21 know where to start to express what I am feeling
22 at this very moment. I am shocked that we are
23 here at this place again. My name is Jamie
24 Bogenshutz. I am the executive director of YES
25 Community Counseling Center, a non-profit

2 community based agency that is funded both by the
3 Nassau County Youth Board and the Department of
4 Chemical Dependency, Mental Health, and
5 Developmental Disabilities, both systems which
6 you are proposing to eliminate.

7 I haven't seen most of you this past year
8 because I am doing what I do best; I was running
9 my agency and serving my community, and for that
10 I am grateful. But here I am again today, back
11 to that moment where I am fighting for the
12 survival not only for my agency but for the
13 entire human services system.

14 Anyone who lives in this county is
15 painfully aware of its fiscal outlook. We
16 understand the high cost of living. We
17 understand rising taxes and tax caps, doing more
18 with less, discretionary spending, and red light
19 revenue. We get that. We really do. But how do
20 we make sense of this? How can we get you to
21 understand the profound and devastating effects
22 of what you are proposing today? How do we make
23 you understand the pain, the trauma, the
24 suffering that we tried desperately to respond to
25 each and every day? How do I get you to

2 understand the parent who calls because their
3 child is using prescription drugs or stealing, or
4 lying, or cutting themselves because they don't
5 feel as if they belong in this world? You sit
6 with them, you hold their hands, and you tell
7 them that they are not important or worth it.

8 I am not talking about situations that
9 maybe quickly remedied. I'm talking about the
10 nine year old who witnessed the brutal murder of
11 her younger sister after she was thrown into a
12 wall by her father. I'm talking about the 13
13 year old who is failing every class, and whose
14 father kicked the dog to death to make a point.
15 I'm talking about the 18 year old who was raped
16 at college and had to return home because of the
17 nightmares and her inability to concentrate on
18 anything except for her attacker. I am talking
19 about the 14 year old who brags about his MS-13
20 family and what they do on the streets for fun.
21 I'm talking about the father who beat his wife as
22 she lay frozen in her wheelchair, why her three
23 children watched her helpless. I'm talking about
24 the father who drove away in his car with his son
25 still holding onto the windshield of the moving

1 car. Sadly, I can go on and on. And how don't
2 they matter? How, in all good consciousness, can
3 you allow this to happen? Regardless of your
4 party affiliation, your political beliefs, please
5 explain to me, explain to all of us how has the
6 money or lack of it made it possible to ignore
7 what is truly important in our world.

8
9 Not that long ago, you all worked
10 together to establish a law that would protect
11 those who need you most. And with great effort,
12 the red light camera fund was created. At that
13 time, you worked in a bipartisan fashion to
14 secure our system, and yet today you are
15 proposing to repeal a law that you established.
16 You speak of a passion towards public service,
17 yet you will be setting in motion the potential
18 to undermine the well being of every community
19 member.

20 CLERK MULLER: Your three minutes have
21 expired.

22 MS. BOGENSHUTZ: I'm almost done.

23 There is great power in strong
24 leadership, and it takes greater leadership to
25 protect the tens of thousands of people who

2 depend upon you to maintain the human services
3 system delivery.

4 No one can forget these decisions, and I
5 trust no one will forget what is happening here
6 this morning. And while you may not see all
7 those that will be affected by your actions, you
8 will know they exist when your schools and your
9 hospitals have no resources to send children and
10 families to, when our jails are overcrowded,
11 overwhelmed, when our churches and synagogues
12 cannot feed or comfort to all those in pain, and
13 when our communities are confronted with gangs,
14 instability and financial chaos, you will be
15 faced with an unprecedented crisis, and efforts
16 to ban synthetic marijuana or enforce drug
17 dealing will have little or no effect because we
18 will not be here to teach prevention or coping
19 skills or treat these people. We will all watch
20 the drug epidemic take more lives. And what is
21 most disheartening is that this can be thwarted.

22 We implore you to do what is right for
23 every resident in this county, together, without
24 any political rhetoric or bantering, but to do
25 what is right for your children, for your

2 neighbors, and for every community; protect the
3 right light camera legislation.

4 I have been a proud resident of this
5 county for my entire life. However, today, I am
6 profoundly saddened that this is the best that we
7 can do. I have always believed that we are all
8 capable of making a difference in the world if we
9 are fair, honest, kind, and compassionate, and
10 maintain our commitment to others. I would
11 implore you to do the same; make a real
12 difference today. If you cannot, today will be
13 the beginning of a very bleak new chapter for
14 everyone who calls Nassau County their home.

15 Thank you.

16 CHAIRMAN SCHMITT: Pat Boyle.

17 MR. BOYLE: Hi. Most of the things have
18 already been said, as far as the technical part
19 of this goes. I kind of want to talk to you a
20 little bit about you.

21 One of the things that everybody does is
22 they all have parts of their jobs that they can't
23 stand doing and that includes all of us. For
24 example, I know Legislator Muscarella, you come
25 to our golf outing every year and you get a

2 chance to see a bunch of tee signs out there and
3 everything else out there; I hate going after
4 those tee signs. I can't stand it. I hate doing
5 it. There are other parts of my job, too, that I
6 really don't like. Thankfully, most of it I do.
7 I would be willing to bet that you, as
8 individuals up there, hate the fact that you have
9 to be able to come after us every single time.
10 As a group of ten and as a group of nine, it's a
11 lot easier to do. But as individuals, I could
12 not look one of you in the face up there and
13 think that you're enjoying doing what you're
14 doing to us right now.

15 What's going to happen on July 1st is
16 something that each and every one of you are
17 going to have to sit down at night and say to
18 yourself, what the heck did I do and why did I
19 have to do it?

20 One of the things that you're doing is
21 you're going to repeal this red light law. This
22 was our only opportunity. And the horse has been
23 beaten dead already; I won't keep going with it.
24 But that was our only opportunity to have a
25 designated stream of funding that would be there

2 for us, year after year, and now you're ripping
3 it right out from under our feet. As a group,
4 ten and nine, it's okay. We have to do what we
5 have to do. As individuals, each one of you
6 looking each one of you in the face, is that what
7 you really want to do?

8 Do you want, on July 1, our children --
9 our children, each and every individual one of
10 you, to have nowhere to go? Just in Elmont
11 alone, 250 kids in a summer program - no, out on
12 the street. Out on the street from 9 a.m. to
13 5:30 p.m. What are you going to do? The young
14 people who we hire for those programs who aren't
15 going to be hired this year, what are you going
16 to do? The 800 kids after that, in after-school
17 programs that you've heard me talk about 10
18 million times, what are they going to do? Which
19 one of their faces are you going to see in your
20 mind that says I did the wrong thing? I repealed
21 this law. I never should have done it. Why did
22 I do that? Think about it. Think about it as
23 individuals. What are we going to do to make it
24 work?

25 Thank you.

2 CHAIRMAN SCHMITT: Legislator Bosworth.

3 LEGISLATOR BOSWORTH: Thank you. Thank
4 you, Mr. Boyle. You say that we've seen you so
5 many times. Actually, when we were in the
6 majority we saw you a lot. Frankly, haven't seen
7 you so much lately.

8 MR. BOYLE: I really wish you didn't
9 bring that up. Here's the bottom line. And I've
10 explained to this to other legislators as well,
11 too.

12 When we received a three percent cut
13 recently, and it's just this year that you
14 haven't seen me, supposedly. I've been here
15 sneaking around. You obviously don't look.

16 LEGISLATOR BOSWORTH: Well, sneaking
17 around is different from getting up and speaking.

18 MR. BOYLE: Here's what. I'm going to
19 tell you what happened. When three percent is
20 being cut from your budget, sometimes you have to
21 sit back and say what about the 200 people that
22 just got laid off. Am I going to look like a
23 fool for asking for three percent more when
24 somebody is coming up here and telling you that
25 they can't pay their mortgage and can't feed

2 their kids? That's not where I'm coming from on
3 these things. And I don't want to justify it by
4 having to do that. But that's why I wasn't here.

5 LEGISLATOR BOSWORTH: Okay. So that's
6 an answer. But I would also like to say that I'm
7 doing the right thing. So when you say am I
8 going to be able to go to sleep at night knowing
9 that I've done the right thing? You can be best
10 well assured that I will.

11 MR. BOYLE: Good. Good.

12 LEGISLATOR BOSWORTH: Because I believe
13 so strongly that whether you're in the majority,
14 whether you're in the minority, we are all here.
15 And if we don't look out for our youth and we
16 don't look at for those who are need, who is
17 going to?

18 One of the things that we are elected to
19 do is to speak out for those who perhaps can't
20 speak out for themselves. And I think we all
21 need to speak about that.

22 MR. BOYLE: I agree with you. And,
23 good, I'm glad you see that. And I'm glad that
24 what I said made you a little bit mad about it,
25 because we gotta get mad. We gotta do something.

2 LEGISLATOR BOSWORTH: I was mad before.
3 But certainly your comments were welcome.

4 CHAIRMAN SCHMITT: Legislator Ford.

5 LEGISLATOR FORD: Pat, it's Denise Ford.
6 And I want to thank you for coming down. I think
7 that you're very eloquent, as always.

8 This is a tough day. You know, and it's
9 not something that any of us are looking forward
10 to at all. But, as you know, I don't like our
11 backs to be against the wall. For all of us,
12 like, everyone -- like, our youth, our seniors,
13 our employees, everybody is very, very important
14 to all of us. But it's been said time and time
15 again that even in the worst of times -- and I
16 sit up here and I don't always agree with even my
17 own side, you know, that -- the side that I sit
18 on. But I have to say, in the nine years that
19 I've been in this office, we've had our
20 disagreements even with the democrats, and, at
21 times it almost bordered sometimes on bloody.
22 But I have to say that when push came to shove,
23 maybe we didn't believe philosophically in some
24 things, we did feel that it was very, very
25 important that we continue with the bonding,

1 especially with the tax certs, just as all of you
2 are here and you're asking us for continue to
3 support and not move the red light camera money
4 out of the dedicated fund and put it into the
5 general fund.
6

7 The reality is that we also have people
8 on the other side that I've received numerous
9 phone calls from residents in my area that are
10 waiting, you know, for their tax refunds. You
11 know, they have won their grievances. They are
12 waiting for this money. There are some that are
13 already being billed by the company that they
14 hired to grieve their assessment. So they may be
15 getting, say, \$5,000, but they now are being told
16 that they have to pay \$2500 to this company, and
17 that company wants their money now. We have
18 small businesses that are also waiting for their
19 money. You know, we're looking at small
20 businesses. Just as we're afraid of our youth
21 agencies going under and not being able to take
22 care of our young people, we're also looking at
23 some small businesses that are also facing
24 closing their doors. People losing their jobs,
25 in whatever services that they are providing to

2 the community.

3 This is a very, very serious bad
4 situation. Even -- and we'll find out later.
5 Even if we do say, you know what? We're going to
6 keep the red light camera money where it is, it
7 still is something that if the lawyers deem --
8 Legislator Nicoletto was trying to explain that.
9 That we have these judgments, that we have these
10 lawyers that are saying they went to court and
11 the judges said you have to pay this \$41 million
12 now and the lawyers can attach -- and we can get
13 this from the experts -- that they can attach
14 these funds. If they do decide that they want
15 to, even if it is a dedicated funding source, to
16 the youth services for the red light camera, they
17 can attach that money as well.

18 So, what we are looking for -- and
19 Legislator Denenberg even said, that behind this
20 \$41 million, there's even more money that we're
21 going to have to come up with bonding. And we're
22 going to have to make sure -- because if we don't
23 bond it and we don't pay it back, it's going to
24 come out from somewhere and it's going to come
25 out from that general fund. Not only will our

2 agencies and all of the services that we have
3 this money to provide for, but we're also looking
4 at a lot more employees losing their jobs. This
5 is the seriousness.

6 We're asking that, in the past, where we
7 have always agreed with the bonding, this is why
8 we're saying that today is very, very key, that
9 we need to have the bonding. We do not want to
10 see any of our youth services, any of our senior
11 services be stopped. But we also want to make
12 sure that our residents get the money that they
13 are owed.

14 But, thank you.

15 CHAIRMAN SCHMITT: Legislator Wink.

16 LEGISLATOR WINK: Good morning. I want
17 to thank the speakers for being here this
18 morning. Let's put this in a little bit of
19 context, if we can.

20 What you're being asked to do today is to
21 pay for overspending on the part of the
22 administration in 2011, not in 2012. In 2011.
23 On March 28 of this year, Comptroller Maragos put
24 out a press release in which he touted the fact
25 that Nassau County was going to end the year with

2 a budgetary surplus. There should have been a
3 huge asterisk at the end of this whole thing. In
4 fact, half way down, Mr. Maragos' press release
5 says the above un-audited results may be impacted
6 by the treatment of \$43.1 million in accrued
7 short-term tax certiorari expenses against the
8 county's capital fund. The administration has
9 represented there is sufficient bond
10 authorization remaining as of the year ending
11 December 31, 2011, with which to issue the bonds
12 that will fund this expense, and the
13 administration intends to request that the County
14 Legislature approve a supplemental appropriation
15 in the amount of the accrual.

16 Long story short, ladies and gentlemen,
17 this administration overspent by \$43 million and
18 they're now asking you to pay for it. Okay?
19 Even if this bonding took place and even if,
20 under the most beneficial of circumstances, NIFA
21 said okay, fine, go forward with it, you are all
22 my witness, we would be here in three month's
23 time, maybe four, maybe it would last until
24 budget hearings in September, but we would be
25 here again not for your cuts to cover 2011, but

2 for your cuts to cover the rest of 2012 and for
3 your cuts to cover 2013. This is a revolving
4 door here. This is a carousel that we're all on.
5 This administration is asking for \$40 million
6 worth of bonding today to avoid cuts; they're
7 going to be asking for it again, and again, and
8 again. So let's be very clear about this. This
9 is not the end; this isn't even the beginning of
10 the end. This is barely the end of the beginning
11 with all of this.

12 We are all going to be facing this. And
13 the first thing we can do to stand up to this is
14 to make sure that revenue stream that we
15 dedicated for these red light cameras remains
16 dedicated for that purpose.

17 MR. BOYLE: If I could just respond to
18 that quickly. With all due respect, which I hate
19 starting out with, the bottom line is we won't be
20 looking at this in 2012 to be able to make up for
21 cuts in 2012, and we won't be looking at this to
22 make up cuts in 2013, because we're not going to
23 be here. The bottom line is we're gone after
24 this. July 1, boom, boom, boom - no more youth
25 board, no more youth programs, no more nothing.

2 I lose an additional \$400,000 on top of the
3 county money because I won't be able to have
4 matching funds to be able to get the other money.
5 Gone. Gone. No more. Wave goodbye. Pat won't
6 be back here again. There's no reason to.
7 Realize that this is it.

8 LEGISLATOR WINK: Pat, my point simply
9 is even if we let this happen today, even if we
10 put the bonding through today, you're going to be
11 facing extinction each and every time this thing
12 comes up.

13 MR. BOYLE: So why would next year be
14 different than this year?

15 LEGISLATOR WINK: Pat, I understand all
16 of that, Pat. But the fact remains that we are
17 in a position right now where we can keep you
18 guys whole, we can keep that funding in place, we
19 can keep that funding dedicated. It doesn't need
20 to come to this. That's the way you survive, not
21 by coming begging for \$40 million worth of
22 borrowing today. And, by the way, there's
23 another \$114 million on this calendar today, as
24 well, in addition to the 40 million.

25 This, unfortunately, is not going to end

2 today, and it's not going to end well, at the
3 rate things are going, if this administration
4 continues to force this issue and to make you
5 guys the scapegoats for it.

6 CHAIRMAN SCHMITT: Legislator Becker.

7 LEGISLATOR BECKER: I don't know if it's
8 worth speaking because the applause consistently
9 goes to the other side of the aisle, by putting
10 the --

11 LEGISLATOR WINK: I didn't realize that
12 we're doing this for the applause, Fran.

13 LEGISLATOR BECKER: Well, I'm talking
14 about the applause of the audience. Sitting up
15 here you see the applause going to the other side
16 of the aisle.

17 I feel it bears repeating once again.
18 The Democrats were in charge eight years, plus
19 two, ten years, and because of their incompetence
20 and the mismanagement of their administration,
21 \$310 million this County is in debt. So what
22 we're trying to do is fix the mess that they left
23 behind.

24 I applaud our county executive for
25 working day and night, balancing the budget, to

2 fix the absolute mess that they left, and, of
3 course, they're working against us each and every
4 step of the way.

5 They hide behind the fact -- well, we
6 want this dedicated fund; I supported that and
7 continue to support that. But there's only one
8 bottom line here, and I wish that all the people
9 in the audience who are applauding so heartedly
10 for them had called their offices day in and day
11 out to try to convince them the bottom line here
12 is if they vote for the bonding, today, tomorrow,
13 whenever we need it, because of the mess they
14 left behind, they vote for the bonding and this
15 all goes away. It absolutely all goes away.

16 The concept that they are trying to sell
17 to you is, oh, you're going to be held hostage
18 each and every time this occurs. It wasn't us
19 that ever said when we were being redistricted by
20 them that, ah, we weren't going to bond for them
21 until we got the districts we wanted. This is
22 the most incredible, disappointing situation I've
23 ever experienced here in the legislature and, in
24 like, politics. When the other side of the aisle
25 says until we get the districts we want or things

1 go the way we want them, we're not providing any
2 bonding for the county. I've never seen politics
3 come into play here as it is on the other side of
4 the aisle. They certainly should be ashamed of
5 themselves. If this occurs and they vote down
6 the bonding, this will be the lowest day in my
7 experience here as a county legislator ever, when
8 we couldn't work together to this point to save
9 the youth agencies.
10

11 When I walk away today, if this bonding
12 doesn't occur -- you may want to applaud against
13 me, boo me as you've booed some of us. The
14 bottom line is it will be their responsibility
15 for not passing the bond and allow us to continue
16 to provide the youth services their money. Boo
17 me, don't applaud me, but that's the bottom line,
18 whether you can accept that fact or not.

19 CHAIRMAN SCHMITT: Joseph Smith.

20 LEGISLATOR DENENBERG: That's really
21 nice.

22 CHAIRMAN SCHMITT: Joe Smith.

23 MR. SMITH: I'm going to keep my remarks
24 rather brief. Most of what needs to be said I
25 think has already been said. These are

2 incredibly -- it's an incredible tragedy that
3 we're facing with this situation here.

4 Back in 2009, this legislature acted
5 boldly and came up with a creative solution to
6 what has been an historic aberration, that is
7 considering the vital services for youth and
8 seniors, people suffering from drug and alcohol
9 dependency, people suffering with mental illness,
10 treating them as discretionary, as throw-aways.
11 This legislature came up with a creative solution
12 to that, creating a designated stream of funds
13 that would protect those services in good times
14 and bad, that would protect those services and
15 ensure that they were not considered
16 discretionary.

17 You made a decision then that you would
18 prioritize these services, that you would
19 prioritize those values, the values that make
20 Nassau County the great place that it once was.
21 And so today we're looking at an abdication of
22 that, an elimination of that both solution
23 because we are facing difficult times. But that
24 was the very purpose, that was the very purpose
25 behind your decision to make this a designated

2 stream of revenue. So I have only a couple of
3 questions.

4 One. If it was a good solution then, why
5 isn't it a good solution now? Why, if it was the
6 creative solution then, why should it be
7 abandoned today?

8 You have a choice to make; you can
9 continue to prioritize the values that you
10 prioritized in 2009, you can say, you know what?
11 This is the one sector -- what other sector in
12 this county has taken itself off the general fund
13 entirely, entirely?

14 The red light camera money was intended
15 to make up for losses, to prevent cuts. In
16 reality, it has replaced what was general fund
17 revenue that was provided to support these
18 programs. I'm going to use the figure of
19 approximately \$15 million. That was there before
20 red light camera revenue, provided through
21 general fund revenue. That was taken away. That
22 general fund revenue that had been used to
23 support these programs has been used each year
24 subsequently to underwrite other costs in Nassau
25 County. So, our sector, the human services

2 sector has --

3 FEMALE VOICE: Your three minutes are
4 up.

5 MR. SMITH: always contributed \$15
6 million a year toward the county's financial
7 position. Now we're being told that we're going
8 to take the replacement money, the dedicated
9 stream of funds that you so boldly earmarked for
10 this purpose, and we're going to take that away
11 as well. What other sector has had that occur?
12 So that's the next question.

13 The final question is this. And I ask
14 this question of Mr. Schmitt and I ask this
15 question of Mr. Abrahams. Is this doomsday? And
16 each of them, individually, separately, said yes,
17 this is doomsday. And so my last question is
18 this. If each of you, who have been elected by
19 the people of Nassau County to represent their
20 wishes, to represent their well being, to be the
21 leaders, to make the bold decisions. If this is
22 facing doomsday, how do you leave this room
23 without a solution that prevents it? That's my
24 last question.

25 CHAIRMAN SCHMITT: Legislator Ford.

2 LEGISLATOR FORD: Joe. Joe Smith. You
3 can see me over here. You're right. How do we
4 leave here with this type of doomsday scenario?

5 I think -- and a lot of times I hear
6 people call out from the audience that we should
7 all work together, both sides. We are, without a
8 doubt, divided very politically up here. I have
9 said time and time again that I am willing to
10 meet with anyone, to meet with anybody. I've
11 extended an invitation to those on the other
12 side, that we do try to move away from our
13 political sides and really, truly work on the
14 governmental sides. That, to see whether or not
15 we need a core group of us to sit together, on
16 both sides, republicans and democrats, to really
17 truly say what do we need to do? How do we
18 achieve to be able to keep this county running,
19 to keep all of the services being offered, and
20 maybe just without having political leaders
21 breathing down our necks, to be able to say what
22 really is the best answer to all of this? Maybe
23 we need to look at this and maybe to work with
24 the county executive quietly to say what
25 information do we need? What's being withheld

2 from us and how can we keep this from being a
3 doomsday today?

4 For me, I think that we really have to
5 move away from our comfortable selves and get
6 into an uncomfortable situation and finally say
7 if we all can't work together, then we might as
8 well let everything fail.

9 But, I thank you.

10 CHAIRMAN SCHMITT: Legislator Denenberg.

11 LEGISLATOR DENENBERG: Joe. Joe. Mr.
12 Smith, just stay there. To answer your question,
13 it was doomsday in 2009, just like its doomsday
14 now. That source of revenue, the red light
15 camera revenue, was dedicated in a bipartisan
16 way, when I was in the majority, to the youth
17 board agencies, to hold them whole at that time
18 and to never have to do what you're doing today
19 again. So my answer when it was doomsday was you
20 deserve that funding. Even before today, you've
21 said it - that funding was supposed to not just
22 hold you whole, but to go to avoid those cuts.
23 There's never been an accounting. The red light
24 camera money has been totally dedicated now,
25 without even this legislator speaking, despite

2 the legislation, as the only source of revenue
3 for the contract agencies. And it's more than 15
4 million, so it hasn't even been a fair
5 accounting. Now it's being taken away.

6 So, the answer was, when it was doomsday,
7 that funding was there for you. And even before
8 this vote that money has been allusive, in terms
9 of what the agencies should have been getting.
10 And instead of the county saying thank you for
11 saying nothing, thank you for being happy with
12 just the 15 million and letting us use the rest
13 of the revenue from the red light camera for the
14 general fund, even that's being taken away. So
15 you had one answer in 09, created during
16 doomsday, and now the answer apparently is take
17 it away. But that's the wrong answer. You
18 deserve that money, period.

19 CHAIRMAN SCHMITT: Legislator Ford has a
20 response.

21 LEGISLATOR FORD: My response actually
22 would be to Legislator Denenberg. Dave, you
23 bring up a lot of important things, especially
24 with 2009, at that time, when we all worked
25 together. I would say to you that not only when

2 you think about the agencies and the services,
3 but we're also looking at because of the money
4 and judgments that are going to be held against
5 the county, that there's a possibility of
6 furloughing a lot of our CSEA members. Many
7 today, when I was driving to work in this
8 horrendous weather, in the storm, the rain just
9 coming down, I happened to see a number of the
10 employees working along Lido Boulevard. With the
11 rain pouring down on them, they were cutting the
12 grass and they were cleaning up debris. To me,
13 when I look at their devotion and their
14 dedication to working for this county, I think
15 that we also have to take a look at them and
16 remember that they, too, also need our support.

17 And I would say to you then, also, that
18 maybe today, if we can meet and say for the
19 bonding today, to, like, keep this going, and
20 that I would be willing to meet with you and
21 anyone else every single day until we could come
22 up with a compromise so that we are never in this
23 political partisan business again, and that we
24 make sure that we always work together and we
25 never have this scenario again.

2 I ask you, Dave -- David --

3 LEGISLATOR DENENBERG: I'm glad they're
4 clapping for you. But you're about to vote
5 against them. I think that's great. I'm voting
6 with you guys. I'm not voting --

7 LEGISLATOR FORD: David, look at me.

8 LEGISLATOR DENENBERG: that we can open
9 up union contracts --

10 LEGISLATOR FORD: David, I'm looking at
11 you. Why don't --

12 LEGISLATOR DENENBERG: and borrowing
13 money is --

14 LEGISLATOR FORD: look at me?

15 LEGISLATOR DENENBERG: not revenue.

16 NIFA wants to see 150 million --

17 CHAIRMAN SCHMITT: Mr. Denenberg, you're
18 out of order.

19 LEGISLATOR DENENBERG: in cuts.

20 LEGISLATOR FORD: But NIFA didn't say
21 anything, even with the tax certs. It's my
22 understanding that they may also support the
23 bonding for the tax certs.

24 Regardless, David, even if we do, say,
25 for argument's sake, we do keep the dedicated

2 funds within the red light camera money. Is
3 there a guarantee that the lawyers and the judges
4 are not going to go after that money and then
5 freeze that money as well? When you talk about
6 \$41 million now -- how can you say, because you
7 know that there are residents in your area that
8 are waiting for their tax refunds. How is it,
9 then -- when you also say there's \$400 million
10 more that we're going to have to pay back. And
11 if we don't bond that, what are we going to do,
12 take 25 percent out of the budget of Nassau
13 County and pay all that back because we're afraid
14 to bond?

15 LEGISLATOR DENENBERG: No. You stick
16 with what -- the word was that you were going to
17 reform the assessment system. What happened to
18 that?

19 LEGISLATOR FORD: It is being reformed.

20 LEGISLATOR DENENBERG: Oh, come on. You
21 took a system where we were paying --

22 CHAIRMAN SCHMITT: Mr. Denenberg.

23 LEGISLATOR DENENBERG: \$50 million a
24 year as you go.

25 LEGISLATOR FORD: They're working on the

2 backlog.

3 LEGISLATOR DENENBERG: Fifty million a
4 year as you go. You took that out of the budget
5 and you didn't give it to anyone. You didn't
6 give it to anyone. You just squandered it.

7 CHAIRMAN SCHMITT: That's not the issue.

8 LEGISLATOR DENENBERG: There was \$50
9 million a year, pay-as-you-go. Residents never
10 waited for refunds until County Executive
11 Mangano's term. You took \$50 million out of the
12 budget and you want to borrow it. NIFA said
13 they're not letting you borrow, period. They
14 just said it. You must've missed the meeting on
15 Wednesday.

16 CHAIRMAN SCHMITT: No, no, no.

17 LEGISLATOR FORD: Once again I say to
18 you, I will meet with you. I will work with any
19 of you to try to come up with a compromise and to
20 keep everything working.

21 LEGISLATOR DENENBERG: Then don't vote
22 today to take the money away.

23 CHAIRMAN SCHMITT: Don't be putting
24 words into or your interpretations into NIFA's
25 actions.

2 LEGISLATOR DENENBERG: NIFA said that if
3 the administration hasn't come up with 150
4 million in savings --

5 CHAIRMAN SCHMITT: If this bonding
6 passes to clear up the backlog that was created
7 under the former county executive and the former
8 majority, this all goes away. Period. It's that
9 simple.

10 LEGISLATOR DENENBERG: First of all, if
11 you looked at any of the settlements that you
12 guys are going to vote for -- and I beg you not
13 to. Every one of these settlements still leaves
14 the last two years of challenges outstanding. So
15 it's a revolving line of credit for those
16 commercial businesses that are petitioning
17 against the county. What different issue? It
18 means that you're going to keep coming back,
19 again, and again, and again and holding our
20 workers and our youth agencies, and our health
21 and human service agencies hostage.

22 CHAIRMAN SCHMITT: You keep coming up
23 with more reasons --

24 LEGISLATOR DENENBERG: That's not
25 solving the problem.

2 CHAIRMAN SCHMITT: to sit and do nothing
3 while this county sinks.

4 LEGISLATOR DENENBERG: Borrowing is not
5 revenue, never was and never will be.

6 CHAIRMAN SCHMITT: Linda Diorio.

7 MS. DIORIO: My name is Linda Diorio,
8 and I live in Farmingdale, and I'm here to share
9 my own personal experience.

10 Four years ago I lost my 19 year old son
11 Eric tragically as a result of his drug
12 addiction. I was a shattered shell of a person
13 as a result. I am grateful that I had the
14 resources of YES available to me as I attempted
15 to put the pieces of my life back together.
16 Although I had insurance, my coverage provided no
17 benefit for counseling. I was financially
18 strapped, and YES worked with me so I could
19 afford the services I so desperately needed. It
20 is devastating for a parent to have to bury a
21 child and I could not have properly begun to have
22 dealt with my grief without professional
23 guidance.

24 We are here today as you are considering
25 cutting the funding for the human services

2 agencies who, in turn, support the various
3 community agencies such as YES. If you cut the
4 funding for the county agencies, you would, in
5 essence, be crippling the ability of them to --
6 of the agencies they fund to function
7 effectively.

8 We are in the midst of an overwhelming
9 drug crisis that is destroying families,
10 increasing crime, and killing our young. The
11 counseling centers serve a vital role in this
12 battle. They provide services that begin to
13 guide the addict toward recovery, support the
14 families in crisis, and they actively reach out
15 to educate the community and students on
16 awareness and prevention.

17 I personally have been involved with YES
18 on many occasions, as we go to schools for
19 patient and student forums specifically geared
20 toward drug education. More often than not, the
21 community agencies are the only place to go, be
22 it for the uninsured or even for those with
23 insurance as a multitude of plans provide
24 inadequate coverage for the treatment of
25 substance abuse.

2 The day my son died, hope for his
3 recovery died with him. If the agencies lose
4 this funding, they will have to further curtail
5 or eliminate the program for addiction, and that
6 hope for recovery that other families hold onto
7 will be directly impacted.

8 Thank you.

9 CHAIRMAN SCHMITT: Thank you.

10 Dorothy Zimarto.

11 MS. ZIMARTO: Good morning. My name is
12 Dorothy Zimarto. I'm currently a resident of
13 Massapequa. I've been there for over 20 years.
14 And it was an attraction to reside in Nassau in
15 Massapequa because of the services for children.
16 I've been utilizing their services for many
17 years.

18 I'm currently a single mother with four
19 children, and one of my children is diagnosed
20 with autism. As a single parent, it's been very
21 difficult to provide support, financial and
22 emotional, for my children. The youth services
23 organizations available have been tremendous in
24 that support.

25 We recently experienced a family crisis

2 this past year. And the community programs that
3 are out there have been vital to ensure my
4 children's stability, physically, mentally,
5 morally, and spiritually. Without that, I would
6 not be able to raise those children as I am.

7 I am pleading for you to please think
8 about what you're voting on coming forward, as a
9 parent, uncle, aunt, whatever it may be. The
10 importance of keeping our children stable and
11 healthy. Our children of today are going to be
12 the adults or tomorrow. They need stability.
13 They need supports as they grow and mature
14 forward.

15 Children these days face so many
16 difficulties in terms of growing up, with peer
17 pressure, drugs, alcohol, all those evils that
18 are out there constantly in their faces. They
19 need to know they have somewhere to go for help,
20 for support, for guidance, especially education.
21 Education is the strong arm right now. These
22 community services reach out to parents, single
23 parents, full families. They provide the support
24 in the schools.

25 I'm very fortunate to have these

2 services, and I need them to continue.

3 Thank you.

4 CHAIRMAN SCHMITT: Thank you.

5 Lori Andrade.

6 MS. ANDRADE: I'm Lori Andrade from the
7 Health and Welfare Council of Long Island. We're
8 the umbrella organization for all health and
9 human service organizations in Nassau and Suffolk
10 Counties.

11 Over the past years, health and human
12 service organizations have been standing before
13 you requesting not only prompt contracting and
14 prompt payment, but planning to ensure that
15 services for those most vulnerable in this county
16 are available. At the same time, we have
17 encouraged appropriate planning to ensure the
18 critical provision of services knowing the
19 financial crisis that the county has been facing
20 for the past year. We offered to be a part of
21 that discussion.

22 We agreed that there would be need for
23 shared sacrifices at every level; we do not deny
24 that. But we urge you to include us in this
25 process so that we can maintain a safety net of

2 services for those we serve.

3 We are talking about a population that is
4 growing and will continue to grow, given the
5 economic condition in Nassau County and
6 throughout New York. It is a population that
7 needs a safety net, one with both in-government
8 and outside of government, both functioning and
9 staffed appropriately, whether they are reaching
10 services for mental health or child protective
11 services. There needs to be staff and programs
12 to support their needs. Cutting from one is the
13 same as cutting from the other because it
14 overstresses what remains and puts the entire
15 system at risk.

16 Taxpayers are paying their bills and they
17 expect the services that they pay for. If there
18 was a road construction, would the county just
19 decide to stop the road construction and abandon
20 the site? It's the same with the contracts now.
21 The county needs to plan and notify agencies so
22 they can plan appropriately as well.

23 While it is not our job to tell
24 government how to do its job, this seems to be an
25 appropriate time to remind government what part

2 of its job is, and that is to provide a safety
3 net for its residents. Please do figure out how
4 to do that.

5 CHAIRMAN SCHMITT: Thank you. Linda
6 Leonard.

7 MS. LEONARD: It's now the afternoon.
8 I'm the director of Long Island Crisis Center.
9 We are Nassau County's only 24-hour, seven day a
10 week crisis intervention and suicide prevention
11 center. We're funded by the Nassau County Youth
12 Board, but we serve every citizen in Nassau
13 County. We handle over 10,000 crisis calls a
14 year. The bottom line is we save lives.

15 I am imploring you today - I'm saying the
16 same as my colleagues before me - do not decimate
17 a system. Do not decimate a system that has
18 taken over 45 years to build. The system is cost
19 effective. The county gets an incredible bang
20 for its buck with this system. And because this
21 system exists, agencies are able to leverage
22 millions of other dollars that come into this
23 county. My agency alone has half a million
24 dollars in state money for HIV prevention and
25 \$100,000 in federal money for runaway youth. It

2 all goes away if you decimate this system.

3 In addition, another area of being cost
4 effective is we use volunteers. We have 180
5 volunteers providing this cost-effective system,
6 and half a million dollars of in-kind
7 contributions. And if you decimate this system,
8 it all goes away and you're not going to get it
9 back again. It will take decades to rebuild what
10 you can blow away in one small vote. Then what
11 happens? Who is going to be there at 3 a.m. for
12 the suicidal teen who calls our hotline and wants
13 to kill herself because she is being bullied in
14 school? Are you going to be there? Who is going
15 to pick up the kid who has been thrown away and
16 is on the street at three o'clock in the morning
17 and bring them to safe shelter? Is that
18 something you guys are going to do? Of course
19 not. That's what we do.

20 You can prevent this. We're asking you
21 to not let this happen. Find a way to not let
22 this happen.

23 Thank you.

24 CHAIRMAN SCHMITT: Thank you.

25 Carol Waldman.

2 MS. WALDMAN: Good morning. Thank you
3 very much for letting senior services take part
4 in this conversation as well. My name is Carol
5 Waldman. I'm a member of the Nassau County
6 Senior Service Providers Coalition. And although
7 we represent many agencies on aging and serve
8 thousands of seniors in each of your districts,
9 as republicans and democrats, we come today with
10 one voice. To all 19 legislators we say this:
11 Please do not go down in history as the
12 legislature that shook this great foundation of a
13 county to its core and devastate its future.

14 A society is not judged on whether or not
15 it bonds or redistricts, but, rather, and quite
16 simply, on how it treats its youths and its
17 elderly, two vulnerable but significant segments
18 of our population that deserve your attention,
19 your compassion, and your respect.

20 You say that you want to attract young
21 people to the county and assure them a secure
22 future, and yet you are considering voting on
23 cutting funding for youth programs. You know
24 that it's almost every older person's hope,
25 perhaps yours and your parents, to remain in this

2 county and age in place -- yet, you may deny them
3 the very resources to do that -- in a county that
4 they built so that you could have a good life.
5 Something is wrong with this picture practically,
6 ethically, and morally.

7 Don't try to fix one mistake with taxes
8 by creating another mistake that will have a far
9 greater cost and ask us to bear a much greater
10 burden. So many of our youth and seniors are
11 already at risk. Cutting social service funding
12 will only increase those numbers dramatically,
13 adding to the crime rate and the number of people
14 who will go hungry on every level.

15 If there are any other options, any way
16 that you can find to not cut human services,
17 explore them. If there is a reserve fund, use
18 it. After all, this is a rainy day.

19 I am asking the Aging Committee,
20 comprised of Chairman Joseph Belesi, Legislator
21 Rose Walker, Wayne Wink, Judi Bosworth, Carrie
22 Solages, Frances Becker, and Vincent Scalara, to
23 lead the charge because you know the invaluable
24 work being done on behalf of seniors citizens
25 through the tremendous support of our

2 Commissioner, Lisa Murphy's department, and the
3 impact that our services have on health and well
4 being, not just of senior but of entire
5 communities.

6 Lead the charge and encourage everyone to
7 vote not as one republican block, not as one
8 democratic block, but as one legislature on
9 behalf of people, young and old, that you were
10 elected to represent and make us proud once again
11 to be residents of Nassau County.

12 Thank you.

13 CHAIRMAN SCHMITT: Thank you.

14 Pamela Clark.

15 MS. CLARK: Good afternoon. I do not
16 see the needs and values of seniors and youth as
17 being discretionary. I see them as very
18 important to our society.

19 The sole purpose of government is to
20 protect and defend the people and to represent
21 them. You were all elected to represent the
22 people of this county, not just the rich and
23 powerful, not just the views of one political
24 party, but all people. Our government has worked
25 because it has followed this mandate and people

2 of opposing views have negotiated, mediated, and
3 found solutions that provide for those who can
4 help themselves as well as those who cannot help
5 themselves. That is not what's happening here.

6 The polarization, bullying and threats
7 that are being voiced do not represent the needs
8 of the majority of the people in the county. The
9 most vulnerable and frail, those least able to
10 speak out for themselves are being
11 disenfranchised.

12 The senior population in Nassau County is
13 growing annually. These are the people who built
14 Nassau County, worked here, paid taxes here
15 throughout their lives. Their only problem is
16 they happened to live too long during periods of
17 real economic severity. I don't see that as a
18 reason to eliminate them from getting the
19 benefits that they need.

20 They're being threatened with loss of
21 services that are necessary to their survival.
22 They are being prevented from accessing services
23 that allow them to age at home with dignity,
24 maintaining their independence for as long as
25 they safely can do so. If they lose these

2 services some will die, some will exhaust the
3 resources of their adult children, most of whom
4 are raising their own children, and some will be
5 forced into nursing home and care facilities,
6 which will cost the county more than the services
7 than we provide.

8 I'm a senior. I live in Merrick. I'm
9 also director of the senior team of services at
10 Family and Children Association, and I'm a member
11 of the Senior Coalition, the Coalition of Senior
12 Service Providers.

13 We can't deny these people their
14 independence, their dignity, and their contacts
15 with their community. Cutting the services to
16 the youth of this county will abandon those that
17 are the future of the county. They will lose
18 access to supportive services and counseling,
19 shelter, education, family support, the list goes
20 on and on. Family and Children's Association
21 recently had to close both its mental health
22 facilities, which served over 600 people, and had
23 been there for many, many, many years. I used to
24 be director of one of them.

25 Many of the youth will end up dropping

2 out of school, many will end up running in gangs,
3 many will end up in court systems and possibly
4 jail, which will also cost more than providing
5 services at home and in community centers. Many
6 families will buckle under the pressures of
7 trying to cope with these.

8 State, county, and -- if everyone would
9 just work together, unify to bring the most
10 powerful and -- I lost my place here. If all of
11 you would just sit down together and negotiate,
12 mediate, and work together to provide services to
13 maintain the quality of life in this County, I
14 cannot imagine -- I know that many corporations
15 you're trying to lure into this county to help
16 with the financial crisis. Who would want to
17 bring their families here when they see that all
18 of the services that would be there for families
19 and elderly are going to be decimated?

20 CLERK MULLER: Your three minutes have
21 expired.

22 MS. CLARK: Please return to your
23 offices determined to find a way to work together
24 and protect those who look to you for assistance.
25 Many of them or their parents or children voted

2 for you. You owe them something.

3 And I was reminded this morning as I was
4 driving down here that almost 11 years ago the
5 entire county, state, world, and national
6 governments united in a time of crisis. I don't
7 think that this one is any bigger than that one
8 was. And yet when I was driving to work with the
9 Red Cross in Manhattan, which I did for many
10 nights, I drove along Northern Boulevard and it
11 was lined with people of all ages, all sizes,
12 little children, elderly people, every race,
13 ethnic, cultural unity that you could have in
14 this area, and they were all holding candles and
15 they were all paying tribute to those that were
16 working -- it was the only avenue into the City
17 at that time -- that were going into the City to
18 help, to those who had been lost, to those who
19 were grieving the losses. I think you cannot
20 replicate something like that by eliminating all
21 the services here.

22 Thank you for your time.

23 CHAIRMAN SCHMITT: Tom Bruno.

24 MR. BRUNO: Good morning. I come here
25 again today to ask you all just to consider

1 what's going to happen today. We, as a group,
2 have built a premier youth service system in this
3 County. There are thousands and thousands and
4 thousands of young people who go to after-school
5 programs, who go to after-school recreation
6 programs who are going to be on the streets.
7 Think about this. Our courts, our police, our
8 jails are going to be flooded with these young
9 people who are looking for something positive in
10 their lives.
11

12 When I first started this stuff back in
13 the 70's, my main goal was to give out bats and
14 balls to the kids in Hicksville. Over the years,
15 what I am doing now, I never would have imagined
16 I am doing today. I would have never thought
17 about having people come to my place looking for
18 food, looking for shelter, thinking about ending
19 their own lives. We are talking about dealing
20 with the elimination of our most natural resource
21 - our young people.

22 Please, work together today. I know you
23 can do this for us. Not for us, for this County.
24 Do what you all can to make this work. This
25 system is invaluable.

2 Thank you very much.

3 CHAIRMAN SCHMITT: Legislator Kopel.

4 LEGISLATOR KOPEL: Thank you, Presiding
5 Officer.

6 You know I'm sitting here and listening
7 to speaker after speaker come up here and tell us
8 why we ought not to do something to decimate
9 youth services or the other very, very important
10 services that we all know we need. And it seems
11 to me that -- at least in that particular aspect,
12 you're just preaching to the choir. There's not
13 a single person on this dais, not one, who think
14 it's a good idea to cut services. Not one.

15 We're all talking about dedicated funds,
16 and money is fungible. It's like water. It goes
17 where there's a vacuum. And if there is a
18 vacuum, in other words, if you take this money
19 away from one place, if you block off a certain
20 source of money, when there's a vacuum -- and
21 we've got a vacuum right now in terms of the
22 possibility of people actually attaching county
23 funds -- money will come from somewhere else. It
24 will. It has to. It's just a natural force. It
25 flows.

Now, what we're really saying is don't cut Area A. What we're saying is then go cut Area B. What are the Area B that we should cut? I'm asking the other side. That's number one.

There are only several ways of resolving this kind of problem - either we go ahead and cut Area B, C, and D, identify them, or we go ahead and do this bonding here. And, by the way, I am no fan of bonding. The only reason that I would ever vote for this is the assurance and the hope that we are actively working towards and end of bonding in the next two years or so. So we can either cut more, or we can bond it right now, or, three, we can raise taxes.

We're faced with a menu of really bad choices. We're faced with a really bad menu. And we've decided, at least on this side, that perhaps the least bad choice for today is to do this bonding. It's not a good choice. It's a bad choice. But it's the least bad choice.

To go ahead and raise taxes, it's another very bad situation. People talk about what they see driving up here. I see, when I drive around, empty stores and for rent signs on buildings all

2 over the place. We can't raise taxes. It just
3 won't work anymore. And that's on businesses.
4 Homeowners are suffering. All of you know it.
5 Every one of you knows it.

6 So, I'm just going to end with this plea
7 to the other side, to the Democrats on this dais.
8 Consider. We've got a menu of bad choices. Just
9 simply saying, we've got to do this, we've got to
10 maintain youth services, we've got to maintain
11 this, that, and the other, then go ahead and
12 maintain it. Because we've got these bad
13 choices. And if you don't want to maintain it,
14 tell us what the other bad choices that you would
15 do, because I can't figure it out.

16 Thank you.

17 CHAIRMAN SCHMITT: Arlene O'Dell.

18 MS. O'DELL: Good afternoon. Thank you
19 for giving me this opportunity to speak. My name
20 is Arlene O'Dell, and I am the executive director
21 of the City of Glen Cove Youth Bureau and a
22 member of the Nassau County Coalition for Youth
23 Service Agencies. I stand here today with my
24 colleagues from the Youth Coalition and the
25 Senior Coalition to ask you to put aside your

party lines and do the right thing for the residents of Nassau County, the people who voted you into office.

I cannot believe that the majority of people in Nassau County would not want to see services for youths and seniors continue in the county they reside in.

The Glen Cove Youth Bureau sees over 300 youth a day in after-school and summer programs. The scope of the work the Glen Cove Youth Bureau does with youth and their families range from academic enrichment programs, mentoring, youth employment, community service learning projects, youth leadership, activities geared to enriching and enhancing life, and family service assistance.

The Glen Cove Youth Bureau receives funding from the county, the City of Glen Cove, the state and private funds to help with the work we do. If the county did not support us, it would be difficult to leverage the other funding sources. What that means is the Glen Cove Youth Bureau would not be able to work with over 300 youth and their families a day. Think about

2 this; where would these youth go after school and
3 during the summer? How could their parents work
4 if they could not afford child care? How many
5 families will need to go on public assistance
6 because there are no youth programs for their
7 children to attend while they work? What about
8 all the staff employed by the agency? They no
9 longer will have an income, they will no longer
10 support the economy, and they may no longer live
11 in Nassau County.

12 I am aware that you have heard all of
13 this before. And, honestly, we are as tired of
14 saying it as you are of hearing it. The red
15 light camera fund was established so we would not
16 have to stand before you month after month
17 begging for funding.

18 Many of you voted to make this law, and
19 the republicans assured that a separate fund was
20 established -- as established by law, was
21 actually set up. And now you want to do away
22 with the red light camera funding to youth,
23 seniors, mental health, and vets, after we were
24 asked to fight for the cameras and in return the
25 revenue would ensure that we would not receive

2 cuts and be seen as discretionary. Are we not to
3 believe what our legislators promise us?

4 Again, I ask you today to do what is best
5 for the people you are serving, especially those
6 that are most vulnerable.

7 CHAIRMAN SCHMITT: Thank you.

8 George Siberon.

9 MR. SIBERON: Good afternoon. I'm
10 George Siberon. I'm the executive director of
11 the Hempstead Hispanic Civic Association. At
12 another time I was the executive director of the
13 Nassau County Youth Board. I have been before
14 this legislature on other times, in better times,
15 to ask and to work with you to bring additional
16 funding to the youth board. It was during the
17 time in which I was executive director of the
18 Nassau County Youth Board where almost a million
19 additional dollars were put into the youth board
20 to deal with the very serious issue of gangs.

21 We understand -- or I do -- that we're
22 also preaching to the chorus when it comes to
23 youth services. I am not -- do not feel that
24 there is anybody in this legislature who is
25 opposed to youth services. I understand that.

1 In 2009, in leaner times, in more
2 difficult times, the Youth Board Coalition was
3 asked to go to Albany and advocate on behalf of
4 this county, to bring in the red light cameras.
5 We did that. We went to Albany in a snowstorm,
6 with some of my colleagues, including a dearly
7 departed Jim Hartnett, and we spoke to the
8 legislators in Albany. It was done with a very
9 clearly understanding that the funding that would
10 come from the red light cameras be dedicated
11 specifically to youth services and other human
12 services. That was a compact that we made with
13 all of the legislators here. It was an agreement
14 that we would take youth services and others and
15 not have it be at some point put into jeopardy
16 based on whether or not we had funding in the
17 county. That compact now, today, is being talked
18 about, eliminated that compact. Where is the
19 money then going to come from the county to fund
20 our programs?
21

22 We have 48, 48 community-based
23 organizations providing vital services to the
24 youth in our community. You also have heard that
25 we use the money from the county for youth

2 services and we leverage that funding to get
3 millions of additional monies. What is going to
4 happen to our children?

5 We understand, or at least I do, that
6 there are some very critical decisions that you
7 have to make, and that there are two ways of
8 looking at it, from both sides of the aisle.
9 What we're requesting is that you take off the
10 notion that you're going to repeal the law that
11 you passed for dedicating the money from red
12 light cameras to the youth board and other human
13 services programs.

14 Thank you.

15 CHAIRMAN SCHMITT: Peter Levy. Peter
16 Levy?

17 (No verbal response.)

18 Carol O'Neill.

19 MS. O'NEILL: It's no longer morning.
20 Good afternoon. My name is Carol O'Neill, and
21 I'm a member of the Senior Services Coalition.
22 I've been a provider of senior services for over
23 25 years and I've seen it all.

24 I've stood before this body many times
25 and have advocated for services for seniors.

2 This time, if you've heard before, some of us are
3 advocating for seniors and youth. Why is that?
4 That's because that's two ends of the spectrum.
5 The seniors, as other people have said before,
6 have built Nassau County. They made it what it
7 is today. They lived longer than anyone expected
8 to and they pay more taxes than anyone. They
9 also are very, very respectful of children. They
10 love children. They don't want to see programs
11 for children demolished because they realize that
12 children are our future. So you're looking at
13 two populations - the people who built Nassau
14 County and the people we're counting on to make
15 Nassau County a great county once again.

16 So I'm asking you or letting you know
17 that the Senior Service Providers Coalition is
18 opposed to two things. We're opposed to any cuts
19 to senior and youth programs, and that includes
20 mental health programs as well, and we oppose any
21 efforts to redirect the revenue from the red
22 light cameras from contract social service
23 agencies.

24 There are over 286,000 seniors, people
25 over the age of 60 who live in Nassau County;

2 many of them are here today, and I'd like some of
3 them to stand up. Would the seniors please stand
4 up? They came through the monsoon. They walked
5 through the water with their walkers and their
6 canes and they came here because they wanted to
7 see you all. They wanted to see their
8 legislators in action. They wanted to hear what
9 you had to say about protecting their services.
10 They also represent 20 percent of the population.
11 This 20 percent of the population votes.

12 Thirty percent of all households in
13 Nassau County are caring for an aging family
14 member. So it doesn't matter if you're above 60
15 or under 60, you're being affected by the age
16 differential.

17 Right now there are senior citizens who
18 are on waiting lists for Meals on Wheels and to
19 get ISIP home care services. What will happen if
20 the money from the red light camera is no longer
21 directed to fund our programs? What will happen
22 when \$40,000 is cut from the budget? I want to
23 give everyone just a little bit of a history
24 lesson.

25 In 2008, there were drastic cuts to

2 senior programs. It threatened the lives - yes,
3 threatened the lives - of senior citizens most in
4 need of these services. These are the ones who
5 are 85 and older. They're minority seniors with
6 very, very, very severe health conditions.
7 They're seniors who live alone; they can no
8 longer shop, cook, or prepare meals for
9 themselves. When funding for Nassau County
10 senior centers was cut, seniors came in and we
11 were directing them to -- you're entitled to come
12 into the center; we can no longer provide
13 transportation for you. You can bring in a
14 sandwich and you can enjoy the activities. It
15 broke our hearts. It broke our hearts.

16 We also turned back vehicles because we
17 had no money for the insurance, no money for the
18 gas to transport people, and we laid off a lot of
19 people, many of them single parents, very low
20 income people. It was a disaster. The only
21 thing that bailed us out at that time was the ARA
22 money --

23 CLERK MULLER: Your three minutes have
24 expired.

25 MS. O'NEILL: from the federal

2 government, the American Recovery Reinvestment
3 Act of 2009. It's not there anymore. There's no
4 one left to bail us out. Today, there are more
5 older adults in Nassau County than in 2008. At
6 the same time, funding has decreased.

7 The human toll of eliminating or cutting
8 services would be devastating to the thousands of
9 seniors citizens who have already suffered the
10 loss of their health, their income, their family
11 and their friends.

12 CLERK MULLER: Your three minutes have
13 expired.

14 MS. O'NEILL: Okay. May is Senior
15 Citizens Month, but there is no joy in Nassau
16 County because of the proposed cuts.

17 As legislators you visited our senior
18 centers, you road along on the Meals on Wheels
19 run, you've also gone to graduations for at-risk
20 youth; these were photo opportunities. I'd like
21 you to remember that these are no photo
22 opportunities. They are real people, and real
23 people get hurt when their vital services are
24 cut.

25 Without your help, vital and life

2 sustaining services will be cut by millions of
3 dollars. You know the need is great. You know
4 the time is now to prevent waiting lists for
5 Meals on Wheels.

6 CHAIRMAN SCHMITT: Thank you.

7 MS. O'NEILL: To keep at-risk youth off
8 the streets and --

9 CHAIRMAN SCHMITT: You have to wrap it
10 up, ma'am. Your three minutes --

11 MS. O'NEILL: in school.

12 CHAIRMAN SCHMITT: has expired.

13 MS. O'NEILL: Thank you very much for
14 listening to me.

15 CHAIRMAN SCHMITT: Thank you.

16 MS. O'NEILL: And I hope that when you
17 vote you can remember a picture of your mother or
18 your grandmother and ask them what they would do
19 in this situation. Thank you.

20 CHAIRMAN SCHMITT: Margarita Grosing of
21 Rockville Centre, Baldwin.

22 MS. GROSING: Did you get it right?

23 CHAIRMAN SCHMITT: I tried.

24 MS. GROSING: Margarita.

25 CHAIRMAN SCHMITT: Margarita.

2 MS. GROSING: You've got to learn to
3 pronounce names here.

4 CHAIRMAN SCHMITT: It's the writing that
5 throws me.

6 MS. GROSING: You've got George in
7 Siberia, and me where?

8 CHAIRMAN SCHMITT: It depends.

9 MS. GROSING: Well, I'm the executive
10 director of the Hispanic Brotherhood of Rockville
11 Centre. And I know some of you. Some of you
12 have been in our center and given us
13 proclamations for the good job that we do. We
14 have a senior citizens program where we serve
15 4,000 meals a year, and we also have the youth
16 program, after school and in the summertime.

17 These cuts are devastating and they will
18 be devastating for our agency because we don't
19 have a big budget. So those 4,000 meals that we
20 serve, they're not going to be there, and the
21 kids that we help, they won't be there. But you
22 won't be there either because it's going to be
23 mutual.

24 For the other side of the aisle, I know
25 you have ten votes on one side and you know three

2 on the other. I remembered when we needed to
3 refinance my home to pay for college. Sometimes
4 in this economy we need to do the right thing.
5 And now is not the time to play politics. I
6 think people in this country, from Washington all
7 the way down, are fed up with the politics. Work
8 with your heart, not with the political party.

9 Thank you.

10 CHAIRMAN SCHMITT: Legislator Scannell.

11 LEGISLATOR SCANNELL: Hi, Margarita.

12 Thank you so much for coming down. It is great
13 to see you, but it also is unfortunate that your
14 agency is being cut. Like you said, literally
15 4,000 meals is just an incredible service. I've
16 been to your place. I've been there many times.
17 I know the outstanding job that you guys do, and
18 I think it's, you know -- I'm going to vote no on
19 this today.

20 CHAIRMAN SCHMITT: Phil -- I'm sorry,
21 it's the writing -- Nicholas - Mickulous. Did I
22 get it right?

23 MR. MICKULOUS: You got it pretty close.
24 Very good.

25 CHAIRMAN SCHMITT: Thank you.

MR. MICKULOUS: I'm not going to repeat what most of my colleagues have already well stated. I'll just say Amen.

I don't know how many are still here, but if any of the Family & Children folks, the staff, board representatives, clients, just stand up. I'm told that politicians can do one thing very well, and that's count. So we just wanted to show you that we were here.

Actually, I'm just going to take my couple of minutes to read a letter that I think Legislator Gonsalves, you got from one of your constituents, who is one of my colleagues at the agency, after I sent an e-mail describing the crisis and the situation that we've been talking about all morning.

She wrote: Is that really what you and the rest of the legislature will allow to happen? She had summarized the elements that we've been talking about. You were elected to be adults, to find common ground, to work for the good of the whole community. It seems like too many legislators value party loyalty above all else, democrats as well as republicans.

My suggestion to all of you, stop grandstanding. If working together on redistricting will gain the support the of democrats for the bond issue, then do it.

The HHS departments, along with their partners in the non-profit community, serve the most vulnerable of our neighbors. When the poor, elderly, and disabled are threatened to advance one party's agenda, then there is something fundamentally wrong with the way that our local government is operating. Be a leader. Find a solution that does not endanger those least able to advocate for themselves.

Thank you very much.

CHAIRMAN SCHMITT: Thank you.

Ammalee Oakman of Oyster Bay, Life Enrichment Center. Ammalee.

MS. OAKMAN: Hello panel. My name is Ammalee Oakman, and I'm a senior citizen and a member of the Life Enrichment Center at Oyster Bay. I have been a member there for three years. I'm here today because I'm afraid I won't be able to continuing to participate in the programs at the center if funding cuts are made. Programs

2 like our weekly lunch, round-trip transportation
3 to the center, and medical transportation to
4 doctor's appointments helps to keep seniors
5 active and healthy in their own communities.

6 I had a terrible accident where I almost
7 died about two years ago, and the center was
8 there for me. If you cut the center for seniors,
9 there are people that don't have families. How
10 are they to live, to get along to get strength
11 and stronger every day, and to go enjoy? All of
12 us, one day, are going to get old. All of us,
13 one day, are going to need help. The senior
14 center has always been there to take care, and to
15 show you strength to go on to live the life you
16 live to the fullest.

17 Thank you very much.

18 CHAIRMAN SCHMITT: Thank you.

19 Lisa Craig of Glen Cove.

20 MS. CRAIG: Hello, everyone. My name is
21 Lisa Craig. I'm the director of the Glen Cove
22 Adult Day Program, which functions under the Glen
23 Cove Senior Center. And I thank you for years of
24 funding, which we are totally dependent upon.
25 I'm here today to speak on behalf of adult day

2 care for seniors with special needs. And I'm
3 here to tell you that this is an issue which
4 affects all generations in Nassau County.

5 Whose life here has not been in contact
6 with an elderly senior who is suffering either
7 from Alzheimer's or another form of dementia, or
8 another physical disability?

9 As we all know, Nassau County's senior
10 population is expected to skyrocket, as baby
11 boomers are now reaching retirement age. Many of
12 us in that age bracket are now caring for our
13 elderly parents, and we know the meaning of the
14 term caregiver stress. The fear is that this
15 stress will negatively affect our own health and
16 well being, and that baby boomers will not be
17 able to live as healthy as the parents we are now
18 caring for.

19 Adult day care is a relatively new
20 concept, first created in 1985 by the Older
21 Americans Act. But, in today's economy, where
22 all family members pretty much have to work, it
23 has become a lifesaver for both the caregivers
24 who are still out in the workforce and for their
25 elderly loved ones who would otherwise be left

2 home alone. Many adult day care centers provider
3 transportation for the homebound, nutrition hot
4 meals for the hungry, special exercise for those
5 with disabilities, and socialization for the
6 lonely. Adult day programs allow the very people
7 who built this county to age with dignity and
8 purpose among their families, and for many it is
9 an opportunity to flourish again. For many, they
10 will never have the need for a nursing home. For
11 others, the need for end-of-life-care in a
12 nursing home will be greatly diminished.

13 Over the years, we have watched our own
14 program work wonders. Innumerable times,
15 families have come to me and asked, what have you
16 done to bring my parent back to life? They're a
17 totally changed person.

18 We have proudly brought some respite and
19 comfort to people who have assumed the enormous
20 responsibility of caring for their frail loved
21 ones at home. The need for these programs is
22 only going to increase as our population ages.

23 Last, but not least, please remember that
24 the cost of funding adult day programs is a
25 fraction of the cost of funding nursing homes.

2 Nursing home beds are already expensive and
3 filled to capacity. What will happen a decade
4 from now?

5 Please think carefully and preemptively
6 about cutting our budgets. Think about the
7 future - your future, our future. Cutting --

8 CLERK MULLER: Your three minutes have
9 expired.

10 MS. CRAIG: Cutting funding for this
11 human service will only prove to be vastly more
12 expensive to Nassau County in the long run.

13 Please, I just encourage everybody, if
14 you vote with your hearts, you won't be wrong.

15 Thank you.

16 CHAIRMAN SCHMITT: Andrew Malekoff from
17 Roslyn Heights. I hope I got that right.

18 MR. MALEKOFF: Good afternoon. I'm
19 actually from Long Beach. I'm the executive
20 director of North Shore Child and Family Guidance
21 Center. I don't want to repeat what many of my
22 colleagues and consumers, board members have
23 already said, but I guess I have one question I
24 would like to ask and to introduce that question
25 by introducing you to some people.

2 The question I have is since the
3 possibility that the mental health, chemical
4 dependency, developmental disabilities and youth
5 services programs will be eliminated, as the
6 article in *Newsday* today emphasized, I wanted to
7 know what the contingency plan is in the event
8 that that happens.

9 So what I did is, since we see
10 emergencies at the Child and Family Guidance
11 Center at a rate of about 20 percent of all of
12 our calls, which is hundreds of calls each year,
13 I want to know what will happen with some of
14 them. So I looked through the calls. My staff
15 gives me the list of emergencies and intakes on a
16 monthly basis. And so this morning I just went
17 through those and I just picked a few out. I
18 didn't cherry pick. I just went down the last
19 couple of months. I disguised some of this for
20 people's privacy and confidentiality.

21 Maria, age five, witnesses domestic
22 violence. Father choked mom in front of Maria.
23 Mother discovered he has past history of sex
24 offender. So what's the plan for Maria?

25 Chelsea, age 12, sent a text to her

2 friend last night stating, I want to kill myself.
3 Friend reported it to school officials. A few
4 months ago, Chelsea was cutting her arms. What's
5 the plan for Chelsea?

6 Michael, age 9, made a suicidal
7 statement, has violent, aggressive thoughts, and
8 hallucinations. What will happen to Michael when
9 the cuts are made?

10 Sarah, age 15, was abandoned by mother at
11 age five. Her father committed suicide when she
12 was an infant. She lives with relatives. She
13 was referred as a result of cutting her arms.
14 What will happen to Sarah?

15 Patricia, age 10, was referred after
16 posting a video on the internet in which she held
17 a knife to her throat. She has a history of
18 being sexually abused. What will happen to
19 Patricia? What's the contingency plan for her?

20 Anthony is deeply depressed since the
21 death of his grandmother. He cuts himself and
22 talks about wanting to die to be with his
23 grandmother. What's the plan for Anthony?

24 Ariella, 11, sexually abused by a
25 relative who held his hand over her mouth to

1 prevent her from screaming. Who is going to see
2 Ariella if cuts are made?
3

4 Audrey, found on the service road of the
5 LIE passed out drunk. History of being verbally
6 abused at home.

7 CLERK MULLER: Your three minutes have
8 expired.

9 MR. MALEKOFF: Okay. So my question is
10 what's the contingency plan for these kids and
11 for others that are represented by the other
12 agencies if the possibility of the programs being
13 eliminated exist, which it does and I take it
14 seriously, what do we tell these families when
15 they read in the newspaper that the programs are
16 cut? What is the plan for these calls? We
17 receive them every day.

18 CHAIRMAN SCHMITT: I understand the
19 question. I don't know what you're looking for
20 us to tell you.

21 MR. MALEKOFF: I'm looking for what the
22 plan is, so when the calls that --

23 CHAIRMAN SCHMITT: If the bonding is
24 rejected and the further steps that have been
25 outlined are taken, obviously there will be a

2 creation of a void. That void will have to be
3 filled, I would say by social services. I don't
4 know.

5 MR. MALEKOFF: Social services does not
6 provide --

7 CHAIRMAN SCHMITT: Things are going to
8 get cut back.

9 MR. MALEKOFF: this social. Social
10 Services does not provide mental health services.
11 They're not licensed by the New York State Office
12 of Mental Health.

13 CHAIRMAN SCHMITT: Sir, I understand
14 that. But what I'm saying to you is if cuts are
15 made, obviously things are going to have to be
16 cut back.

17 MR. MALEKOFF: I understand that.

18 CHAIRMAN SCHMITT: You can't spend money
19 twice.

20 MR. MALEKOFF: Right. So what's the
21 plan for seeing these people? This is just a
22 handful that I gave you.

23 CHAIRMAN SCHMITT: Hopefully, the plan
24 is that all of this goes away because they
25 approve the bonding that's on the calendar today.

2 But it's up to -- we need 13 votes; I have ten.

3 It's --

4 MR. MALEKOFF: So who do I tell the
5 family to call when we have to close our
6 services?

7 CHAIRMAN SCHMITT: You know what? I'll
8 play the game. You tell them that we needed 13
9 votes and we only got 10, and so here we are.

10 MR. MALEKOFF: So should they call you?

11 CHAIRMAN SCHMITT: If they live in my
12 district, I'd be happy to take the calls.

13 MR. MALEKOFF: And who will treat them?

14 CHAIRMAN SCHMITT: I'm not licensed to
15 do that.

16 MR. MALEKOFF: Somebody up here must
17 have -- you're smart people. You work together
18 to make decisions. What's the contingency plan,
19 because this is a real possibility? Did anyone
20 discuss a contingency?

21 LEGISLATOR ABRAHAMS: If I may. I don't
22 think anyone up here -- I'm speaking for our side
23 and I guess I could speak for the other side.
24 The county executive has not detailed how and
25 what departments would be cut and in what manner

2 they will be cut.

3 In regards to mental health - and I'm
4 sure, as you know, mental health receives a
5 substantial amount of money through the state.

6 MR. MALEKOFF: That's matching funds. So
7 if county monies are lost, the state matching
8 funds are lost too.

9 LEGISLATOR ABRAHAMS: That's my point.
10 That's what I'm about to say, what you're saying.

11 I couldn't see a reason why the
12 administration would cut county funds which match
13 what the state is going to give us. Well, I
14 heard someone say because we need the money.
15 Then that's silly because -- well, the reason why
16 I say that is the money that's coming in from the
17 state is revenue. If it's coming on the revenue
18 side of the budget, then it's going to be cost --
19 you're not saving anything if you're cutting
20 money from the revenue side at the same time
21 because you're not spending --

22 CHAIRMAN SCHMITT: You're right.

23 LEGISLATOR ABRAHAMS: the matching
24 dollars on the expenditure side.

25 CHAIRMAN SCHMITT: I will concede the

2 point. You're absolutely right. But you haven't
3 been listening to what is said up here. As
4 Legislator Ford pointed out, so correctly, when
5 the lawyers come in with the judgments, it's
6 blind. They're not going to say this is matching
7 funds; it's give me my money.

8 LEGISLATOR DENENBERG: So why vote for
9 the settlements and incur the judgment?

10 LEGISLATOR ABRAHAMS: To answer to your
11 point, there is no one up here that is privy to
12 any documentation or any knowledge of what the
13 administration would do if they decided to go
14 down that direction. I just find it hard to
15 believe that we would be cutting any money that
16 we basically would need to match. At the same
17 time, you're not addressing your \$40 million
18 problem because you are still going to be short
19 at the end of the day on the revenue side because
20 that's the money that's coming in from the state.
21 It doesn't make any sense. It's not costing you
22 anything to provide the service; that's in the
23 event, where we're talking about a 50 percent
24 match. Obviously if we're talking about less, it
25 has a different type of impact.

2 But to be more direct to your question, I
3 think it might be more appropriate for someone
4 from the administration -- no one up here, to my
5 knowledge, has been given any information that
6 would give us any indication on how the county
7 executive will implement any cuts. All we have
8 heard is the elimination of chemical dependency,
9 of mental health, of youth board. That's all
10 we've heard. I don't know what that means
11 because each and every one of those agencies
12 receive state funding, which if you're talking
13 about not being in the mental health business or
14 the chemical dependency of the youth board
15 business, then obviously they're giving that
16 money back too. You're not going to be
17 collecting that revenue too. You can't collect
18 revenue and not provide the service. So, from
19 that standpoint, I'm not too sure what the county
20 executive is talking. But, then again, the
21 details are a bit vague.

22 MR. MALEEKOFF: Well, I would just
23 suggest that everyone up here get that
24 contingency plan, because when these phone calls
25 are made, lives are at stake. And people who

2 know what they are doing, who are licensed,
3 qualified, and experienced to do it are the ones
4 that need to respond. So that if the cutting
5 takes effect, there must be someone to respond
6 that is able to, otherwise the consequences are
7 more than dire.

8 So, I thank you for your time. And I
9 hope that in your deliberations you will make the
10 right decisions.

11 CHAIRMAN SCHMITT: Thank you.

12 LEGISLATOR NICOLELLO: Mr. Chairman.

13 CHAIRMAN SCHMITT: Legislator Nicoletto.

14 LEGISLATOR NICOLELLO: I just wanted to
15 respond.

16 Just so you understand. Once the bonds
17 are turned around and the \$41 million in
18 judgments are then ripe to be used to attach the
19 county's bank accounts, there are no
20 contingencies that we're aware of. There is
21 going to be drastic cuts. Basically, this County
22 has already -- this county has already cut to the
23 bone. To leave any suggestion out there that the
24 county executive is going to have any options
25 that's going to do something that's going to

2 spare this agency or this group of very needy
3 people is a fabrication. It's going to be
4 immediate. It's going to be drastic. There are
5 going to be people losing services, and there is
6 no plan for them. That's the result of turning
7 down this bond issue, period.

8 Whether we take the action we're going to
9 take next or not, once the bond issue fails the
10 \$41 million opens up in a budget that's already
11 been cut to the bone and there is going to be
12 drastic pain in this county.

13 CHAIRMAN SCHMITT: Legislator Denenberg.

14 LEGISLATOR DENENBERG: Sir, there's \$114
15 million more borrowing sitting in the clerk's
16 office right now. There's votes being taken
17 today to settle cases that would effectively put
18 us on the hook. We shouldn't be settling these
19 cases if the only way to pay them is borrowing
20 and more borrowing. The bottom line is the math
21 that you're doing.

22 Borrowing doesn't give you revenue. The
23 red light camera money is real revenue. And in
24 the behavioral service area, for every dollar
25 that we cut we give up \$4 from other sources. So

2 the math that you're seeing is why give up four
3 for every one; why throw away a dedicated revenue
4 source that was dedicated in direct fiscal times;
5 and why vote to accept judgments and put us in a
6 situation where we're going to be borrowing or
7 asked to borrow \$400 million in very, very short
8 order. You're just going to come back again, and
9 again, and again.

10 The bottom line is NIFA won't even let us
11 borrow until another 50 million in cuts exist.
12 So if Mr. Nicoletto's right that those 50 million
13 don't exist, then we're never going to be allowed
14 to borrow. We should leave you alone.

15 CHAIRMAN SCHMITT: Mr. Denenberg, if you
16 believe one word of what you just said, you'd
17 vote for the settlements and the bonds.

18 LEGISLATOR DENENBERG: Peter, Peter. I
19 voted and --

20 CHAIRMAN SCHMITT: You would vote --

21 LEGISLATOR DENENBERG: joined me and
22 said you didn't want to let the county executive
23 take --

24 CHAIRMAN SCHMITT: David, one at a time

25 --

2 LEGISLATOR DENENBERG: their money away.
3 So stick with your word from 2009. Don't take
4 their money away.

5 CHAIRMAN SCHMITT: David, if NIFA won't
6 approve the borrowing, as you have said four
7 times during this period, if that's true, and I
8 don't believe that it is, if that's true, you
9 would vote for the bonds, you would save these
10 agencies today. And let NIFA take --

11 LEGISLATOR DENENBERG: It's not saving
12 the agencies. You're not giving --

13 CHAIRMAN SCHMITT: its action --

14 LEGISLATOR DENENBERG: them a quip pro
15 quo. You're cutting the agencies. I'm not. You
16 linked the agencies to borrowing, no one else
17 did. No one ever links a recovering expenditure
18 to borrow funds except for you.

19 CHAIRMAN SCHMITT: I know this is hard
20 for you, David.

21 LEGISLATOR DENENBERG: Except that
22 that's not real math.

23 CHAIRMAN SCHMITT: But it's time to --

24 LEGISLATOR DENENBERG: It's not hard for
25 me.

1 CHAIRMAN SCHMITT: It's time to let --
2 LEGISLATOR DENENBERG: You're linking --
3 CHAIRMAN SCHMITT: David.
4 LEGISLATOR DENENBERG: annual --
5 CHAIRMAN SCHMITT: David.
6 LEGISLATOR DENENBERG: expenditures --
7 CHAIRMAN SCHMITT: David.
8 LEGISLATOR DENENBERG: to borrowing.
9 CHAIRMAN SCHMITT: David.
10 LEGISLATOR DENENBERG: No one else is.
11 CHAIRMAN SCHMITT: David, can we come
12 down a notch? I know --
13 LEGISLATOR DENENBERG: You interrupted
14 me.
15 CHAIRMAN SCHMITT: this is hard, but
16 it's time to let somebody else speak.
17 Legislator Muscarella.
18 LEGISLATOR MUSCARELLA: I just have a
19 quick question. David, if you would. Do you
20 suggest then that we should not settle certiorari
21 cases and we should let them all go to judgment?
22 LEGISLATOR DENENBERG: Excuse me. How
23 many have we actually tried?
24 LEGISLATOR MUSCARELLA: I asked you a
25

2 question. It's a yes or no question.

3 LEGISLATOR DENENBERG: If I don't have
4 the backup that would show that we should be
5 giving the monies that we should be giving -- and
6 we don't have that backup -- and if we're not
7 settling cases right through the current day, any
8 attorney should never settle a case unless all
9 liability is being brought up to the current
10 date. Today, you're going to be voting on tax
11 certs, Vince, where you're not bringing the
12 liability of the county up to the current day.
13 So there is a revolving door that these tax cert,
14 commercial tax cert plaintiffs don't have to jump
15 off. So that's constant, constant spending and
16 constant borrowing. And if you're going to link
17 borrowing today to recurring expenditures, we're
18 going to be doing it again and again.

19 I would urge everyone to vote against the
20 settlements. Absolutely, I would urge people to
21 vote against settlements today.

22 LEGISLATOR MUSCARELLA: Which then can
23 be reduced to judgments.

24 LEGISLATOR DENENBERG: How do you know?
25 How do you know unless we try a few of the cases?

2 But either way, I wouldn't settle a case where
3 someone still has a case against me for 2010, 11,
4 and 12. Why would I ever do that? That makes no
5 sense.

6 LEGISLATOR MUSCARELLA: Dave, I think 42
7 million today is all judgments. I think. I may
8 be wrong.

9 LEGISLATOR DENENBERG: It's less than
10 that. The judgments are less than that. Far
11 less than that.

12 LEGISLATOR MUSCARELLA: And in that case
13 you're telling us that we should not accept the
14 judgments of the court or we should and just
15 leave it to the tax certiorari bar to perhaps
16 help us out by not reducing --

17 LEGISLATOR DENENBERG: I'm telling you -
18 -

19 LEGISLATOR MUSCARELLA: any of these
20 judgments and not enforcing the judgments against
21 any bank accounts that we have. I think that
22 would be very nice of them if they could take
23 their judgments and just sit with them. I don't
24 think that's going to happen.

25 LEGISLATOR DENENBERG: Mr. Muscarella,

2 the numbers that you just gave are wrong. But
3 what I'm telling you -- and the bottom line is,
4 don't tie recurring revenues for the recurring
5 contracts up to one time borrowing that you're
6 just going to keep asking for again and again
7 because you have to, because these settlements
8 don't bring our liability up to date. So you're
9 putting the contract agencies in a position where
10 every week they're going to have to be here
11 because you're going to request more and more
12 borrowing.

13 LEGISLATOR MUSCARELLA: And if the bank
14 accounts get --

15 LEGISLATOR DENENBERG: Let me finish
16 now. And in 2009, in 2009, we said, no, you
17 don't have to come here again and again, here's a
18 dedicated revenue source.

19 The only thing that I can see that has
20 changed is the county executive and the majority.
21 So when you were in the minority, you agreed with
22 us; but now in the majority you don't?

23 LEGISLATOR MUSCARELLA: You know what
24 I've seen? You know what I've seen that's
25 different? I've seen the fact that the minority

2 now never provides the votes for bonding unless
3 they can get --

4 LEGISLATOR DENENBERG: Never?

5 LEGISLATOR MUSCARELLA: fair

6 redistricting.

7 LEGISLATOR DENENBERG: Never?

8 LEGISLATOR MUSCARELLA: I've seen --

9 LEGISLATOR DENENBERG: Never?

10 LEGISLATOR MUSCARELLA: the fact that
11 you are not --

12 LEGISLATOR DENENBERG: Never?

13 LEGISLATOR MUSCARELLA: bonding for tax
14 certs --

15 LEGISLATOR DENENBERG: There's \$14
16 million in bonds still sitting there that the
17 county executive hasn't spent.

18 LEGISLATOR MUSCARELLA: David, when you
19 were in the majority, a majority of one, you had
20 your deputy presiding officer voting against
21 certioraris, against bonding those things, and we
22 provided the votes. We provided the votes not
23 only to bond but to settle those cases because we
24 thought it was the right thing. There's such a
25 thing of institutional integrity, and that's

what's gone by the way side here.

We all play politics. Both sides play politics, it's part of the government process. It's not a nice part of it. It's not a good part of it. Nobody likes to see the sauce being made. Ultimately, ultimately, both sides, since the time Bruce Neiman and Bruce Blakeman were majority leaders, both sides knew that there had to be some institutional integrity. Both sides took votes that maybe weren't pleasant, weren't part of their political agenda, but did so because government had to function. What I see different is that unfortunately I don't think anymore that the minority, as currently constituted, wants to provide the institutional integrity.

I love all of you. You're great people, individually. We get along. I'm probably the least political person here. But I think that we've gone a step beyond what government, in its institution, in representing people, in doing what's right ultimately, I think sometimes, on both sides in the past, we've put aside our political differences and done what we thought

2 was right, not for our political parties but
3 because government has to function. I think
4 we've gone beyond that here on your side.

5 LEGISLATOR DENENBERG: Just to answer,
6 Mr. Muscarella. We never, ever asked you to
7 borrow 100 percent of the tax certs. The only
8 borrowing we were doing was less than 50 percent.
9 You took that out of the budget. We begged you
10 not to. And we never, in 2009, the very same
11 people were sitting in this audience and were
12 speaking, and we, as a majority, never tied up
13 saving the contract agencies with what other
14 votes you took. And there were plenty of no
15 votes you took that same day. That same day, you
16 took no votes on recurring revenue sources
17 because of a political mantra that you wanted to
18 make, and we didn't tie it together at all. And
19 we never asked to borrow for tax certs, more than
20 50 percent. And you're asking for 100 percent.
21 Period.

22 CHAIRMAN SCHMITT: Jolene Boden.

23 MS. BODEN: Thank you. I'm not going to
24 read my prepared testimony because I don't want
25 to repeat the things that I've said. I'll just

2 tell you, I'm Jolene Boden. I am the Long Island
3 Director for JASA, which is the Jewish
4 Association Serving the Aging, and I am the co-
5 chair of the Senior Service Providers Coalition.

6 JASA, as an agency's mission, is to
7 sustain and enrich the lives of the aging in New
8 York so they can remain in the community with
9 dignity and autonomy. That is what we are asking
10 for. That's what we're asking to continue.

11 The Senior Service Providers Coalition
12 was formed in 2000 to offer a voice for the
13 seniors living in Nassau County, and it
14 represents the many agencies that provide
15 programs to the hundreds of thousands of seniors
16 in this county.

17 I think we all understand that this
18 county, like every individual, faces difficult
19 choices in the economy. But reducing or
20 eliminating funds that were promised to us and
21 that we're told were going to sustain the seniors
22 of this community is an abomination to me. I
23 think that these people built this country, built
24 this county. They came out here as pioneers.
25 There was no such thing as suburbia in New York.

2 They came here. They created communities for a
3 better life. And we're thanking them by the
4 possibility that they are not going to have a
5 better life at all, that they're not going to be
6 able to remain in their communities because there
7 will be no funds to provide them with the much
8 less expensive services in the community, and
9 they will either leave the county and go live
10 with adult children, or go into nursing homes,
11 which are going to cost us a lot more money than
12 that.

13 I must also say that the Senior Service
14 Providers Coalition lobbied to get an aging
15 committee to get created, because we really
16 wanted a voice on the legislature for the aging
17 committee to represent the needs of the seniors.
18 And I have to say we've been severely
19 disappointed in this, that the aging committee
20 has not been there putting the needs of the
21 seniors at the forefront and reducing the risk
22 that they will take.

23 Thank you.

24 CHAIRMAN SCHMITT: Thank you.

25 David Landow.

2 VOICE: He has to leave.

3 CHAIRMAN SCHMITT: He left.

4 That's all of the speakers that I have on
5 the red light cameras. I'm sorry. Did you put
6 in a slip? Why don't you just tell us your name
7 and address?

8 MS. GUISE: I'm Judy Sanford Guise.

9 CHAIRMAN SCHMITT: From?

10 MS. GUISE: Do you want my personal
11 address instead of on a form? 26 Countsburry
12 Avenue, North Valley Stream, New York 11580-1748.
13 I live in the Third LD.

14 I didn't come to speak. I came to be
15 here. I happen to be a trustee of Family and
16 Children's Association, and a lot of our folks
17 had to leave because they had to go back to help
18 the people that we're around to help. But I'm
19 definitely not speaking for Family and Children's
20 Association right now. I'm speaking for myself.
21 It's really more an observation. I think I'm the
22 only person here who probably won't ask for
23 anything.

24 It's my observation -- well, that I'm in
25 a case of redefining reality. I was going to be

2 totally originally, except Mr. Denenberg said
3 something a few minutes ago that was the same.
4 As far as I know, it was the county executive's
5 choice to make human services the issue,
6 apparently with the support of a lot of people in
7 this room, and I do not understand that.

8 I spend a lot of my time looking at
9 politics and other things like FaceBook. So I've
10 been watching what's been going on in other
11 states. So I know that in Wisconsin, after the
12 governor, who hopefully will soon be the ex-
13 governor, of the State of Wisconsin gave away the
14 surplus in that state. He then decided the
15 problem in the state was the civil service
16 workers, the employees, which, incidentally, he
17 wasn't as concerned about the men who made a lot
18 of money. He was actually looking at the women
19 who are making the least money.

20 I'm looking at what goes on in Texas and
21 Tennessee. Several things in Arizona, North
22 Dakota, the United States Congress, I'm not just
23 looking at states, North Carolina, and Georgia,
24 where my grandchildren now live and where my
25 family lives because they no longer live in

2 Nassau County. And what I find amazing is the
3 fact that we now have a war on the human
4 services. Other places have a war on women or
5 they have a war on organized labor. But that is
6 what I am sitting here and I'm hearing. We
7 should not be discussing the need for human
8 services in the county because you outsourced
9 those services to these programs because we do it
10 better and we do it cheaper. So there shouldn't
11 be any discussion of whether we need these
12 services or not.

13 Mr. Kopel, I think the unfed child or the
14 unfed senior might take exception. I was married
15 to someone -- what you said resonated with his
16 view, because when we would have disputes about
17 the problems of unemployment, he'd say people
18 over here are unemployed and those people became
19 employed. The unfed child or senior probably
20 would take exception with you, of saying it's
21 going to be program A or going to be area B.

22 LEGISLATOR KOPEL: By the way, that's
23 just a fact. Think about it. It's just a fact.
24 It's going to be A or B; the money isn't there.

25 MS. GUISE: I understand that. But

2 there's a difference in the facts. We're doing
3 the -- the human services in Nassau County are
4 doing the work of Nassau County.

5 LEGISLATOR KOPEL: By all means,
6 identify B.

7 MS. GUISE: It's your community and our
8 community. And just because somebody's decided
9 that the red light money should be on the
10 chopping block doesn't make it so that's your job
11 to say no.

12 CLERK MULLER: Your three minutes have
13 expired.

14 CHAIRMAN SCHMITT: Mr. Clerk, did you
15 just say the three minutes have expired?

16 CLERK MULLER: Yes. I did.

17 CHAIRMAN SCHMITT: Please, you have to
18 make that clear because we're not hearing it up
19 here.

20 CLERK MULLER: I will make it clearer.

21 CHAIRMAN SCHMITT: Okay.

22 I'm going to call now -- this will be our
23 last speaker in public comment. We'll take other
24 speakers, as we do, after we do the legislative
25 meeting. Jim Brown of Long Beach, South Shore

2 Autobahn Society. This is on the water works
3 property.

4 For those people who came here and spoke
5 on the red light camera, when we get -- if we get
6 to the hearing on the red light camera, all of
7 your testimony will be made a part of the
8 transcript of that hearing.

9 Go ahead, sir.

10 MR. BROWN: Hello. My name is Jim
11 Brown. I'm here on behalf of the South Shore
12 Autobahn Society. We're a chapter of the
13 National Autobahn Society, and we represent
14 approximately 1700 families in Long Island, many
15 of them along the south shore. I'm here today to
16 address of the Water Works property, which is on
17 the agenda for today, Resolution Number 68-2012
18 and the proposed ordinance, Number 56-2012. And
19 we're here to thank the legislature and the
20 executives, the executive branch for deciding to
21 purchase the Water Works property from a willing
22 seller, using bond money that was approved in
23 2004 and 2006. The residents of Nassau County
24 voted to save open space, and this Water Works
25 property, which adjoins the Brookside Preserve,

2 will protect the Brookside Preserve from the
3 ravages of development and protect the wetlands
4 there.

5 The South Shore Autobahn Society, for
6 many years, has worked to get the county to buy
7 this land, and we've also been caretakers of the
8 Brookside Preserve. With this new property that
9 now all of the residents of Nassau County will
10 have, our old preserve will be protected and we
11 will manage the new one.

12 Also, the residents of the
13 Freeport/Baldwin area where the Water Works
14 property is located support this purchase. They
15 formed a coalition. We appreciate the help that
16 they've given in bringing this to fruition.

17 The Society, what we do at Brookside is
18 what we hope to do with the new property. We
19 lead guided tours open to all the public. We do
20 bird walks, cleanups, and involve the community
21 in the preserve, and we're looking forward to
22 doing that with this new purchase.

23 We're happy that the county, in a non-
24 partisan, bipartisan way, has decided to go ahead
25 with this purchase, and to help the environment

2 of Nassau County and to get this open space.
3 Because the environment of Nassau County and all
4 of Long Island is under so much pressure and
5 really under siege. So we thank you for putting
6 this on the agenda. And South Shore Autobahn
7 Society looks forward to working with the county
8 as things move forward.

9 Thank you.

10 LEGISLATOR GONSALVES: Legislator
11 Jacobs.

12 LEGISLATOR JACOBS: Thank you.

13 LEGISLATOR GONSALVES: Mr. Brown.

14 LEGISLATOR JACOBS: Mr. Brown, you don't
15 really have to come back up. It's me. Hi.

16 I wanted to tell you that when the
17 environmental bond acts were passed, truthfully,
18 I was the presiding officer and Mr. Schmitt was
19 minority leader. Neither one of us was sure this
20 would ever pass because, if you recall, things
21 were not great then either. I mean, you know, it
22 didn't happen to the economy overnight. It's not
23 going to be cured overnight. But it amazed me
24 that 77 percent of the people approved both
25 environmental bond acts. And in Oyster Bay

1 especially, where I happen to live, they approved
2 it even though Oyster Bay had their own
3 environmental bond act at the time. It was
4 totally amazing. It showed a realization on the
5 part of people to protect whatever we have left
6 that we can in order to leave something for the
7 future. So the monies for this -- just so we
8 don't confuse everyone in the audience. The
9 monies for this acquisition are part of that
10 environmental bond act, which was by referendum
11 approved by all of Nassau County and are in a
12 separate fund. And the reason we were so pleased
13 with this particular parcel is because it
14 protects the preserve near it and also that it's
15 on the south shore; open space was hard to come
16 by there, and we felt that this would be at least
17 a link to making sure we had some, some totally
18 look at what they're going to be doing and make
19 sure that there is as much preservation involved
20 as can be.

22 I'm glad you're glad. I can tell you
23 that we are very happy also. It's one of the
24 remaining, am I right Dave, one of the remaining
25 pieces left to be finalized. And that goes for

2 both sides of the aisle.

3 We all recognize the importance. We were
4 never sure the public recognized the importance;
5 they did. And we've been going along as we're
6 able to do it. Thank you.

7 LEGISLATOR GONSALVES: That's the end of
8 the public comment period.

9 Mr. Abrahams - Legislator Abrahams is
10 requesting.

11 LEGISLATOR ABRAHAMS: Yes. I think at
12 this time, Deputy County Executive Gonsalves, we
13 would like to request a 30 minute recess to
14 discuss obviously what we have heard today, as
15 well as the legislative calendar for the rest of
16 the day, if possible.

17 LEGISLATOR GONSALVES: I believe your
18 request is granted.

19 If there is any other public comment, it
20 will be after the legislature convenes --
21 reconvenes, and we're on the subject at the time.

22 (Whereupon, the Full Legislature recessed
23 at 1:12 p.m.)

24 (Whereupon, the Full Legislature
25 reconvened at 2:12 p.m.)

CHAIRMAN SCHMITT: Before I start the calendar, let me just announce that one of our members, Legislator Dennis Dunne, who has had surgery on a war wound from the Vietnam era on his leg, is joining us today. He is intent on voting on this calendar. He will be brought out. He is listening to the proceedings in the adjoining room because he is subject to infection with the wound on his leg. So he will be coming out to vote. He will be in a wheelchair. He will use a wireless microphone, and stay in the vacant area so he doesn't get too close to any of the people that -- the other legislators who might have a chance, unwittingly of course, to infect the whole situation. He's prone to infection at this stage. He's recuperating very, very nicely. We need to accommodate his special needs.

That having been said, where is Chris Astuni?

For every member of the Legislature, Dennis will be voting from where he is over in the room over there.

As have discussed at great length at

2 public comment this morning, there are hearings
3 listed on the calendar that will be conducted if
4 the bonding resolutions fail. There are some
5 resolutions for tax cert settlements that require
6 certain legislators to recuse themselves because
7 of potential for conflict. But first we're going
8 to call those that everybody can vote on.

9 Items Number 21, 24, 28, 29, 34, 35, 38,
10 39, 40, 41, 42, 44, 45, 46, 48, 50, 51, 52, 53,
11 55, 56, 58, 57, 64, 65, 66, 68, 69, 70, 71. May
12 I have a motion, please? Hold on. Add on from
13 71 -- 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83,
14 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96,
15 100, 102, 103, 105, 106. Now, may I have a
16 motion, please?

17 LEGISLATOR GONSALVES: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRMAN SCHMITT: Moved by Legislator
20 Gonsalves, seconded by Legislator Muscarella.

21 LEGISLATOR ABRAHAMS: I have a
22 statement.

23 CHAIRMAN SCHMITT: Chair recognizes
24 Minority Leader Abrahams for a statement.

25 LEGISLATOR ABRAHAMS: Thank you,

2 Presiding Officer Schmitt.

3 Before we take any votes on any of the
4 items today, I just have a general statement in
5 regards to what this Legislature has endured for
6 the last couple of weeks.

7 It has become apparent over the last
8 period of weeks that my colleagues in the
9 Republican Majority have taken unprecedented
10 stature in not doing their properly due diligence
11 to ensure that we look through every and turn
12 over every stone to make sure that we have done
13 our due diligence as Nassau County legislators.

14 We saw it first with the police
15 consolidation where we did not have all the
16 facts, but we were still going forward with the
17 consolidation plan, which lacked the merit as
18 well as the savings to really pull this county
19 out of its hole. We saw it again on the Morgan
20 Stanley contract, where we did not have all of
21 the findings in regards to how Morgan Stanley was
22 going to provide assistance for this county and
23 how much it was going to end up costing the
24 County. And here we are again today.

25 We saw it on some of the tax certs.

2 After countless pleas to get more information and
3 more information, my colleagues again supported
4 these items before this information is
5 forthcoming, and still, to this day, this
6 information is still not in the current and
7 substantial format that it needs to be in.

8 Finally, the true nail in the coffin, we
9 are prepared to give the power to the county
10 executive so that he could make cuts, however he
11 deems so, without knowing where and how these
12 cuts will impact the public. We had people that
13 came down today from the department -- I'm sorry
14 -- that received services on behalf of mental
15 health. There are still no details. There are
16 still no findings. There is still nothing to
17 substantiate how the county executive would go
18 through any particular cuts. And here we are
19 again facing the same difficulties, and the
20 legislature has to make a decision where they do
21 not have any, any information on how these cuts
22 will be implemented. I find that to be very
23 disgraceful. I just wanted to encourage my
24 colleagues that we want to make sure that we have
25 all the pertinent information before we go

2 forward with any particular process or be able to
3 make any type of educated decision.

4 Thank you.

5 CHAIRMAN SCHMITT: The comments relative
6 to other items on the calendar -- cuts, giving
7 Mangano authorization to make cuts, has no
8 bearing on the items in front of us, which is to
9 tax certiorari settlements. Perhaps I should
10 have read who and what they were for. But it is
11 basically, as was discussed earlier, these are
12 tax refunds to people who were overtaxed in
13 error, the vast majority of which, if not all of
14 them, go back into years past. It's the backlog.

15 The people were assessed incorrectly
16 because of an error in the assessment office in
17 then-County-Executive Suozzi's office. The taxes
18 were collected when they shouldn't have been.
19 The tax money -- the receipts were spent by the
20 former county executive and the former majority.
21 Now these people are deserving to have the money
22 that was taken from them in error to be returned
23 to them. And to have anybody stand in the way of
24 returning the money to the people, that's their
25 money, is a decision for each legislator to make

2 individually. We will debate further on Item 315
3 when that item comes up. But right now this is
4 on the bonding.

5 Is there any other debate or discussion
6 on the bonding?

7 LEGISLATOR DENENBERG: I have questions.

8 CHAIRMAN SCHMITT: Legislator Denenberg.
9 But I'm not going to permit you to do the same
10 thing in public comment. Your feelings are well
11 stated and they are on the record.

12 LEGISLATOR DENENBERG: These are the
13 settlements, correct?

14 CHAIRMAN SCHMITT: These are the
15 settlements.

16 LEGISLATOR DENENBERG: Okay. So I have
17 a question for Mr. Volk on the settlements.

18 CHAIRMAN SCHMITT: On the settlements.
19 Mr. Volk.

20 MR. VOLK: Martin Volk for the Nassau
21 County Attorney's Office. Good afternoon,
22 Legislators.

23 LEGISLATOR DENENBERG: I have reviewed
24 the backup. Am I correct that the settlement
25 agreements, themselves, are not part of our

2 backup?

3 MR. VOLK: They are traditionally not,
4 Legislator.

5 LEGISLATOR DENENBERG: So the settlement
6 agreements are not part of our backup?

7 MR. VOLK: Well, actually, you do have
8 the numbers.

9 LEGISLATOR DENENBERG: So the numbers
10 that I have are not the settlement agreements;
11 they are appraisal value number, correct?

12 MR. VOLK: No. That's incorrect,
13 Legislator. You do have the settlement numbers.

14 LEGISLATOR DENENBERG: Well, I don't
15 have an agreement. If you can show me a
16 settlement agreement, I'd love to see that.

17 MR. VOLK: Legislator, you have never
18 received stipulations of settlement. You receive
19 that chart, which I believe you were instrumental
20 in having us prepare.

21 LEGISLATOR DENENBERG: Yeah. I wanted
22 to see the charts. I wanted to see the
23 settlements.

24 MR. VOLK: The charts have been
25 submitted.

2 LEGISLATOR DENENBERG: Okay. So I don't
3 have the settlement agreements. And in each of
4 the settlements that Mr. Schmitt just called,
5 there would be, to my calculation, two or three
6 years still unsettled, those being 2010, for
7 most, 11, and 12.

8 MR. VOLK: That is incorrect,
9 Legislator.

10 LEGISLATOR DENENBERG: Only years
11 settled, the closest years settled are 10 and 11.

12 MR. VOLK: That is incorrect,
13 Legislator.

14 LEGISLATOR DENENBERG: What do you mean
15 that's incorrect?

16 MR. VOLK: Legislator, what you have in
17 front of you years that the county attorney's
18 office settled.

19 LEGISLATOR DENENBERG: So we're not
20 settling those challenges, the last three years
21 of which, that are in the Assessment Review
22 Commission?

23 MR. VOLK: They -- they have been
24 settled by the Assessment Review Commission, not
25 by the County Attorney's Office.

2 LEGISLATOR DENENBERG: Not according to
3 my records. They are not settled by the
4 Assessment Review Commission. And in the prior
5 administration, I never voted for a settlement
6 without a document showing me that all years have
7 been settled through the current year. And there
8 was even a two year period of time that we got a
9 moratorium where there would be no challenges for
10 the next two years.

11 MR. VOLK: Legislator, as you are well
12 aware --

13 LEGISLATOR DENENBERG: No, no. I'm well
14 aware of what --

15 MR. VOLK: Please let me finish.

16 LEGISLATOR DENENBERG: Mr. Volk, I'm
17 well aware of what I asked for.

18 CHAIRMAN SCHMITT: Mr. Denenberg, when
19 you ask the person a question, they are entitled
20 to answer without interruption.

21 LEGISLATOR DENENBERG: I didn't finish
22 the question.

23 MR. VOLK: I thought you had,
24 Legislator. You're asking me why some years
25 aren't appearing on those settlement charts.

2 LEGISLATOR DENENBERG: I'm asking why,
3 in each case, the closest we get is 11 and 12,
4 which would have been something filed back in 10.
5 So that would mean that the closest we get is a
6 challenger still have two years of challenges
7 against us. And most of the years they still
8 have three years of challenges against us.

9 MR. VOLK: Okay. Legislator, as I had
10 said, in many of these situations, many of the
11 cases are settled through 12/13. They have been
12 settled. Most of the missing years were settled
13 by the Assessment Review Commission.

14 LEGISLATOR DENENBERG: I don't have that
15 report.

16 MR. VOLK: Please, let me finish,
17 Legislator.

18 LEGISLATOR DENENBERG: That's not in the
19 backup.

20 CHAIRMAN SCHMITT: Mr. Denenberg, let
21 him finish his answer.

22 LEGISLATOR DENENBERG: He did. And I -

23 CHAIRMAN SCHMITT: No, he's not.

24 MR. VOLK: No. I did not, Legislator.

25 CHAIRMAN SCHMITT: You're out of order.

LEGISLATOR DENENBERG: I understand that you want to assist him. We could all count. But you know what?

CHAIRMAN SCHMITT: Basic manners is not an assistance, David. Basic manners --

LEGISLATOR DENENBERG: We need to --

CHAIRMAN SCHMITT: Basic manners is you've asked the gentleman a question, you allow the gentleman to answer. When he's finished, then you can follow up.

Go ahead, sir.

MR. VOLK: Thank you, Mr. Schmitt.

For many of these years, as you are aware, ARC only requires settlement approval and not bonding approval because they are the administrative agency. What you have before you with these settlements proposals are only the county attorney years.

LEGISLATOR DENENBERG: Where is the information of which of these settlements were also settled for the last three years in ARC?

MR. VOLK: If you ask me on a specific basis, I can tell you which matters have been settled and what years they have been settled

2 through.

3 LEGISLATOR DENENBERG: We always got
4 that.

5 MR. VOLK: No.

6 LEGISLATOR DENENBERG: Yeah. We did.

7 MR. VOLK: Legislator --

8 LEGISLATOR DENENBERG: You never gave it
9 to us. The current administration never gave it
10 to us, but the prior administration not only gave
11 it to us but, in fact, someone who is in your
12 office at the present time, Lisa LoCurto, used to
13 stand up there and speak of the moratorium that
14 she was able to get in settling anything in
15 court, the last two years in ARC, and a
16 moratorium where no challenge would be filed, at
17 least in the current year and the next year.
18 This is the first time in years we haven't gotten
19 that.

20 MR. VOLK: Again, Legislator, what you
21 have before you are settlements which require not
22 only settlement approval from this body but
23 bonding approval.

24 LEGISLATOR DENENBERG: So there is no
25 case, Mr. Volk, no case where I have any idea

1 what the status of the last at least two years of
2 challenges are because they're in the Assessment
3 Review Commission and we didn't require settling
4 in this Assessment Review Commission when we
5 settled the Supreme Court settlement?
6

7 MR. VOLK: That is correct.

8 LEGISLATOR DENENBERG: Your predecessor
9 used to require settlement of the ARC cases and a
10 moratorium. And there is someone in your office
11 who used to come up here and make those
12 statements, that's Lisa LoCurto who was the
13 attorney that handled these under the previous
14 administration, at least up until 2009.

15 MR. VOLK: Mr. Denenberg, this body does
16 not vote on approval for ARC years.

17 LEGISLATOR DENENBERG: But that's why I
18 wanted the settlement agreement as well, to make
19 sure that anyone who we're giving a settlement
20 also settled the last three years, which would be
21 before the Assessment Review Commission.
22 Otherwise, we're settling while there's still
23 liability against us.

24 MR. VOLK: Mr. Denenberg, then you
25 should have asked for it.

2 LEGISLATOR DENENBERG: I did.

3 MR. VOLK: I beg to differ, Mr.
4 Denenberg.

5 LEGISLATOR DENENBERG: Let me read the
6 record. I'm going to read this from the record.

7 I said that I wanted the settlement
8 agreements, and you said, oh, you never got the
9 settlement agreements. And I said how do we have
10 an assurance that we've settled the cases before
11 ARC? You said you will get that for me.

12 MR. VOLK: Mr. Denenberg, it is my
13 understanding that the county attorney wrote a
14 letter to you specifically asking if you required
15 any additional information, and I do not --

16 LEGISLATOR DENENBERG: And my counsel
17 sent --

18 MR. VOLK: and I do not believe that you
19 responded to that letter.

20 LEGISLATOR DENENBERG: My counsel sent
21 an e-mail asking to bring all the settlement
22 information up through date so we know that if
23 we're settling with someone that they've settled
24 the Assessment Review Commission petitions as
25 well.

2 MR. VOLK: To whom was that e-mail sent,
3 Mr. Denenberg?

4 LEGISLATOR DENENBERG: To you.

5 MR. VOLK: And when was it sent?

6 LEGISLATOR DENENBERG: You said that you
7 would answer on record to each one. This goes
8 back months ago.

9 MR. VOLK: And I am prepared to answer
10 on each one. If we can go through each one, I'll
11 be more than happy --

12 LEGISLATOR DENENBERG: On all 87 items,
13 you want to answer on record?

14 MR. VOLK: If that is your question Mr.
15 Denenberg.

16 LEGISLATOR DENENBERG: It's been my
17 question the whole time.

18 MR. VOLK: Then let's get to it.

19 LEGISLATOR DENENBERG: Which ones of
20 these -- you're going to say all of these are
21 settled with ARC?

22 MR. VOLK: Give me one minute. Let me
23 get my chart.

24 LEGISLATOR DENENBERG: I personally
25 don't know why any legislator would want to

2 settle a case while there's still liability
3 against us.

4 So, which of these cases have been
5 settled with ARC as well?

6 MR. VOLK: Okay. Starting with
7 Ordinance Number 190-2012 --

8 LEGISLATOR DENENBERG: No. It starts
9 with 188 and 189. And I, personally, have looked
10 at each of those, and those still exist in ARC.

11 CHAIRMAN SCHMITT: It starts with
12 Ordinance 69. That's the first item that's been
13 called.

14 LEGISLATOR DENENBERG: We were talking
15 about clerk item number, Peter.

16 CHAIRMAN SCHMITT: Ordinance Number 69
17 is 189-12.

18 LEGISLATOR DENENBERG: Actually, it
19 starts with 188-12.

20 CHAIRMAN SCHMITT: 21 was the first item
21 called, Mr. Denenberg.

22 LEGISLATOR DENENBERG: So for 21, it's
23 not Item 190.

24 MR. VOLK: Let me catch up with you, Mr.
25 Denenberg, because I need the clerk item number.

That is 189, Carlo Cingamelli. That was settled through 10/11.

LEGISLATOR DENENBERG: Correct. Where's 11/12, 12/13, and, actually, at this point, 13/14?

MR. VOLK: Let me discuss 13/14 first.

As you are aware, Mr. Denenberg, administrative grievances were only filed as of March 1, 2012. ARC has until April 1, 2013 to settle these matters. You are essentially asking the Assessment Review Board to take 15 months worth of work into two and a half months.

LEGISLATOR DENENBERG: No, no. You're not understanding what I'm saying. What I'm saying is if you look at 189, the challenger is getting money from us and they still have a case that they had to file in 10, they still have a case they had to file in 11, and they just filed a case in 12. In the past, we always required that those three years be settled as well. And the current year at least have a moratorium that there would be no filing. Otherwise, the day, in this case Mr. Cingamelli settles that gets money, he still has three years worth of challenges

2 against the county. And we can settle the
3 pending cases before ARC, and we can require that
4 one does not file the case this year, or withdraw
5 the case that was filed this year. Otherwise,
6 it's like a revolving door where they keep
7 getting money from us.

8 MR. VOLK: But Mr. Denenberg, we, as the
9 county attorney's office, can't force the
10 petitioners to calendar and file. We --

11 LEGISLATOR DENENBERG: Yes, you can.
12 The office that you represent was doing that
13 before your time. They were requiring that the
14 settlement be brought right up to date.

15 MR. VOLK: Mr. Denenberg, under RPTL 718
16 we cannot force them until two years after the
17 deadline for filing the writ.

18 LEGISLATOR DENENBERG: Then you don't
19 have to settle with them. Then you don't have to
20 settle with them unless your predecessor required
21 for settlement that the settlement not only
22 settle what was in Supreme Court for commercial,
23 which is this, but also what is pending before
24 the Assessment Review Commission, which is
25 certainly going to go to Supreme Court, be

2 resolved as well. In a settlement, we can
3 require that as part of the settlement. In a
4 judgment, you're right. The judgment would only
5 be that which is before the court.

6 MR. VOLK: So, then by your view of the
7 world, Mr. Denenberg, we should continue to
8 accrue interest and continue to permit the
9 backlog to grow. I don't want to do that.

10 LEGISLATOR DENENBERG: Well, it is
11 growing by not settling through the current year.
12 You're not bringing it up to current. The
13 backlog --

14 CHAIRMAN SCHMITT: Alright.

15 LEGISLATOR DENENBERG: The backlog will
16 still exist. We can never --

17 CHAIRMAN SCHMITT: Alright.

18 LEGISLATOR DENENBERG: catch up, in your
19 view of the world.

20 CHAIRMAN SCHMITT: You can never get
21 changed what's in front of us. So let's move on.
22 It's here.

23 LEGISLATOR DENENBERG: Let me just note
24 for the record, Mr. Schmitt. If this is what
25 we're going to see in each of these --

2 CHAIRMAN SCHMITT: Just for the record.
3 What is the interest rate that they are
4 collecting in the backlog?

5 MR. VOLK: If it is a judgment, it can
6 be as high as nine percent.

7 CHAIRMAN SCHMITT: And what if it's not?

8 MR. VOLK: If it is a settlement, it can
9 be as high as four and a half percent.

10 LEGISLATOR DENENBERG: Only once you
11 approve the settlement, correct?

12 MR. VOLK: It depends on the year. It
13 depends on the year, Mr. Denenberg.

14 LEGISLATOR DENENBERG: None of these
15 cases are accruing interest yet.

16 MR. VOLK: That's not true, Mr.
17 Denenberg.

18 LEGISLATOR DENENBERG: So we're entering
19 into settlement agreements now and we're paying
20 interest even though we haven't approved the
21 settlement agreement yet?

22 MR. VOLK: Interest is accruing every
23 day, Mr. Denenberg.

24 LEGISLATOR DENENBERG: I cannot, for the
25 life of me, understand why we would settle with

2 people and have three years still outstanding
3 when just a few years ago we required settlements
4 -- and Lisa LoCurto sat there and talked about --

5 CHAIRMAN SCHMITT: This is the third
6 time you're going over this ground.

7 LEGISLATOR DENENBERG: two year
8 moratoriums. Because he said that we are settled
9 right through the years. And the very first one
10 we have, we see there's three years --

11 CHAIRMAN SCHMITT: Move on.

12 LEGISLATOR DENENBERG: of liability
13 that's not being settled.

14 CHAIRMAN SCHMITT: And it's not going to
15 change. It is what it is.

16 LEGISLATOR DENENBERG: We're going to
17 see that on each one, Mr. Schmitt.

18 CHAIRMAN SCHMITT: Fine. Whatever it
19 is, it is.

20 LEGISLATOR DENENBERG: Okay. Thank you.

21 CHAIRMAN SCHMITT: Anybody else?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 Legislator Wink, a question or what?

2 LEGISLATOR WINK: Yes. Yes, Mr.
3 Chairman.

4 I would just reiterate the concerns this
5 caucus had really since the outset. What this
6 legislature is being asked to do is, quite
7 frankly, unprecedented.

8 We have taken items that are up for
9 settlement and we have merged them with separate
10 items that require bonding authorization. Under
11 normal circumstances, this legislature has always
12 voted on settlements, which requires a simple
13 majority, and then voted on the bonding to
14 authorize those settlements - excuse me, to pay
15 for those settlements. What we are seeing here
16 today, after much trial and mostly error on the
17 part of the county attorney's office, are a
18 series of items that combine those two types of
19 measure into one vote on each item. By the way,
20 bonding requires a super majority, not a simple
21 majority like the settlements do. I believe that
22 that is illegal. I believe that this is
23 something we've never done before on this
24 Legislature. I, personally, will oppose each and
25 every one of the items that I'm capable of

opposing on the grounds that I believe that this is an unprecedented and illegal action on the part of this legislature.

CHAIRMAN SCHMITT: Mr. Wink, your opinion conflicts with that of the county's outside bond counsel. I have a copy of a letter here from Orrick (phonetic), which I would like to make part of the record, as well as copies to pass out to the member.

LEGISLATOR WINK: Mr. Schmitt, you will know --

CHAIRMAN SCHMITT: I know. You know better than they do.

LEGISLATOR WINK: And you will know from reading that letter that they opined simply not on the Charter issues, just on the municipal financing issues.

CHAIRMAN SCHMITT: On the municipal financing issues, they have opined that it is perfectly permissible to join the two together, and the county attorney has rendered a written opinion where he opined on the Charter issues finding it's perfectly permissible to put the two together. But I know you know better.

2 LEGISLATOR WINK: To say that that's
3 suspect in my mind is an understatement.

4 NIFA has already opined that they will
5 not support additional bonding by this county.
6 So how about it with your academic exercise, Mr.
7 Chairman?

8 CHAIRMAN SCHMITT: Okay. We have the
9 opinions of the county attorney, they are part of
10 the record, and Orrick, the bonding counsel, part
11 of the record. Obviously, they are disagreeing
12 with the position of -- I don't know if you're
13 speaking for the caucus or not -- but obviously
14 disagreeing with that position. Anyway.

15 LEGISLATOR DENENBERG: How come this is
16 first being given to us now, today, May 21?

17 CHAIRMAN SCHMITT: Because it was
18 requested by your counsel late in the day Friday.

19 LEGISLATOR DENENBERG: This wasn't
20 important to you?

21 CHAIRMAN SCHMITT: Like everything that
22 comes from you, late in the day Friday.

23 LEGISLATOR DENENBERG: First of all, it
24 was requested Thursday. Second of all, it's
25 something you should have wanted too, before

voting for these settlements and obligating the taxpayers to pay them back.

CHAIRMAN SCHMITT: I know you now think that you could speak what I should want and what I should do but you can't do that. If you look at the letter, if you take the time out, shush up and read, you'll see that the letter is dated May 21, that's today, that's why you're getting it now. You're getting it at the same time that we're getting it.

LEGISLATOR DENENBERG: Peter, if you listened to my -- I'm sorry. Mr. Schmitt, if you listened to my point, this is something that really should have been with the items, not right at the vote.

CHAIRMAN SCHMITT: Well, it wasn't. And we requested it, at your request, and we got it.

LEGISLATOR DENENBERG: I would just say again, by voting to settle these cases, we are obligating the county to pay them back and we're not even catching up.

CHAIRMAN SCHMITT: Okay.

LEGISLATOR DENENBERG: We can't catch up because each of these settlements would still

2 have three years of challenges against us.

3 CHAIRMAN SCHMITT: We have a -- call the
4 question. I'm going to take a roll call vote.
5 Mr. Clerk, would you call the roll, please?

6 CLERK MULLER: Deputy Presiding Officer
7 Gonsalves?

8 LEGISLATOR GONSALVES: Yes.

9 CLERK MULLER: Alternate Deputy
10 Presiding Officer Kopel?

11 LEGISLATOR KOPEL: Yes.

12 CLERK MULLER: Legislator Troiano?

13 LEGISLATOR TROIANO: No.

14 CLERK MULLER: Legislator Solages?

15 LEGISLATOR SOLAGES: I vote no.

16 CLERK MULLER: Legislator Ford?

17 LEGISLATOR FORD: Yes.

18 CLERK MULLER: Legislator Scannell?

19 LEGISLATOR SCANNELL: No.

20 CLERK MULLER: Legislator Becker?

21 LEGISLATOR BECKER: I vote yes for our
22 youth and seniors in our community.

23 CLERK MULLER: Legislator Muscarella?

24 LEGISLATOR MUSCARELLA: Yes.

25 CLERK MULLER: Legislator Nicoletto?

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2 LEGISLATOR NICOLELLO: Yes.
3 CLERK MULLER: Legislator Bosworth?
4 LEGISLATOR BOSWORTH: No.
5 CLERK MULLER: Legislator Wink?
6 LEGISLATOR WINK: No.
7 CLERK MULLER: Legislator Belesi?
8 LEGISLATOR BELESI: Yes.
9 CLERK MULLER: Legislator Dunne?
10 LEGISLATOR DUNNE: Aye.
11 CLERK MULLER: Legislator Jacobs?
12 LEGISLATOR JACOBS: No.
13 CLERK MULLER: Legislator Walker?
14 LEGISLATOR WALKER: Yes.
15 CLERK MULLER: Legislator Deriggi-
16 Whitton?
17 LEGISLATOR DeRIGGI-WHITTON: No.
18 CLERK MULLER: Legislator Denenberg?
19 LEGISLATOR DENENBERG: No.
20 CLERK MULLER: Minority Leader Abrahams?
21 LEGISLATOR ABRAHAMS: No.
22 CLERK MULLER: Presiding Officer
23 Schmitt?
24 LEGISLATOR SCHMITT: Yes.
25 CLERK MULLER: By a vote of ten to nine,

2 the items carry.

3 CHAIRMAN SCHMITT: No. It requires 13
4 votes.

5 CLERK MULLER: Sorry.

6 CHAIRMAN SCHMITT: I understand that Mr.
7 Wink has to recuse himself on these following
8 items, which I'm going to call.

9 Items 20, 22, 26, 27, 30, 31, 34, 36, 37,
10 43, 47, 49, 54, 57, 67, 95, 97, 99, 101, 104.

11 Those items, as called, Legislator Wink has
12 recused himself, left the chamber, and is not
13 taking part in any of the debate or discussion on
14 these items.

15 Could I have a motion, please?

16 LEGISLATOR GONSALVES: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRMAN SCHMITT: Moved by Legislator
19 Gonsalves, seconded by Legislator Muscarella.

20 Any debate or discussion?

21 (No verbal response.)

22 Any public comment?

23 (No verbal response.)

24 LEGISLATOR DENENBERG: Legislator

25 Schmitt, I'm going to say for each of these

2 items, the same questions I had before and the
3 same issue, as far as the settlements not being
4 brought to the current date.

5 CHAIRMAN SCHMITT: And the same answers.

6 All those in favor of this please say
7 aye.

8 (Aye.)

9 LEGISLATOR DUNNE: Legislator Dunne
10 votes aye.

11 Any opposed?

12 (Nay.)

13 Let the record show that by a vote of ten
14 to eight, with one recusal, the items fail, with
15 ten votes in the majority in favor and eight
16 votes of the minority in opposition.

17 You can invite Legislator Wink back in.

18 No.

19 Legislator Abrahams, Legislator Jacobs,
20 and Legislator DeRiggi-Whitton, and Legislator
21 Wink recused themselves because of potential
22 conflicts.

23 Items 60, 61, 62, and 63.

24 Any debate or discussion?

25 (No verbal response.)

Any public comment?

(No verbal response.)

We need a motion.

LEGISLATOR GONSALVES: So moved.

MR. VOLK: Excuse me. Mr. Schmitt, do I count as public comment?

CHAIRMAN SCHMITT: Who said that?

MR. VOLK: Mr. Volk.

CHAIRMAN SCHMITT: Do you count as public comment?

MR. VOLK: Yes.

CHAIRMAN SCHMITT: No, sir. You're the county attorney's office.

MR. VOLK: Because I would like to advise --

CHAIRMAN SCHMITT: Excuse me. Excuse me. I'm in the middle of taking a motion. Could I have a second, please?

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN SCHMITT: Seconded by Legislator Muscarella.

Any debate or discussion on the part of the legislators?

(No verbal response.)

2 Do you have something to add to this,
3 sir?

4 MR. VOLK: If I may, Legislator.

5 On Item Number 242 --

6 CHAIRMAN SCHMITT: That's not in front
7 of us.

8 MR. VOLK: Excuse me. Number 62.

9 CHAIRMAN SCHMITT: 62.

10 MR. VOLK: And number 63, I would like
11 to advise the Legislature that ARC settled these
12 to matters from 11/12 thru and including 12/13.

13 CHAIRMAN SCHMITT: He'll find something
14 else wrong with it, trust me.

15 LEGISLATOR DENENBERG: That would not
16 include the current year.

17 CHAIRMAN SCHMITT: There you go. There
18 you go.

19 LEGISLATOR DENENBERG: I'm sorry for
20 caring about taxpayer money.

21 CHAIRMAN SCHMITT: It's all about
22 redistricting and we know that. That's fine.
23 We'll do what we gotta do.

24 No other debate or discussion?

25 (No verbal response.)

2 No other public comment?

3 (No verbal response.)

4 All those in favor --

5 LEGISLATOR DUNNE: Legislator Dunne
6 votes aye.

7 CHAIRMAN SCHMITT: Legislator Dunne
8 votes aye.

9 Anybody else voting aye? I vote aye.

10 (Aye.)

11 Who is opposed?

12 (Nay.)

13 Five opposed. By a vote of ten to five,
14 and four recusals, the items are defeated; ten
15 votes of the majority in favor and five votes of
16 the minority opposed.

17 Next. We're going to call Items 32 and
18 33.

19 Legislator Abrahams and Legislator Jacobs
20 have recused themselves and are taking no part in
21 the debate or discussion.

22 Any debate or discussion on these two
23 items?

24 (No verbal response.)

25 Any public comment?

(No verbal response.)

We've got to take a motion.

LEGISLATOR GONSALVES: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN SCHMITT: Motion by Legislator
Gonsalves, seconded by Legislator Muscarella.

Now, all those in favor please say aye.

(Aye.)

LEGISLATOR DUNNE: Dunne votes aye.

CHAIRMAN SCHMITT: All those opposed?

(Nay.)

We have ten votes of the majority in
favor and we have seven votes of the minority
opposed.

We're going to call Item Number 98
because Legislators Jacobs and Abrahams have to
recuse themselves.

A motion for Item 98?

LEGISLATOR GONSALVES: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN SCHMITT: Moved by Legislator
Gonsalves, seconded by Legislator Muscarella.

Any debate or discussion?

(No verbal response.)

2 Any public comment?

3 (No verbal response.)

4 All those in favor please say aye.

5 (Aye.)

6 LEGISLATOR DUNNE: Dunne votes aye.

7 CHAIRMAN SCHMITT: Any opposed?

8 (Nay.)

9 Ten votes of the majority in favor and
10 seven votes of the minority opposed.

11 Number 80, a motion please?

12 LEGISLATOR GONSALVES: So moved.

13 LEGISLATOR MUSCARELLA: Second.

14 CHAIRMAN SCHMITT: Motion by Legislator
15 Gonsalves, seconded by Legislator Muscarella.

16 Legislator Denenberg is recused, left the
17 chamber, and is taking no part in the debate or
18 discussion.

19 Any other debate or discussion?

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 All those in favor please say aye.

24 (Aye.)

25 LEGISLATOR DUNNE: Dunne votes aye.

Any opposed?

(Nay.)

We have ten votes of the majority in favor and six votes of the minority opposed.

Item Number 25. Who is recused on this? Legislator Troiano is recusing himself, taking no part in the debate or discussion, and has left the chamber.

May I have a motion, please?

LEGISLATOR GONSALVES: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN SCHMITT: Moved by Legislator Gonsalves, seconded by Legislator Muscarella.

Any debate or discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor please say aye.

(Aye.)

LEGISLATOR DUNNE: Dunne votes aye.

CHAIRMAN SCHMITT: All those opposed?

(Nay.)

Tens votes of the majority in favor and eight votes of the minority opposed.

2 Now, we have left here, which I'm going
3 to call in bulk. We're done with the tax certs.

4 Now we have a consent calendar, which are
5 those items that the minority and the majority
6 have considered and agreed that they should be
7 passed because there is nothing to debate. I'm
8 just going to call out the items.

9 Items Number 4, 8, 10, 11, 12, 13, 14,
10 15, 16, 17, 18, 107, 108, 109, 110, 111, 112,
11 113, 114, 115, 116, 117, 118, 119, 120, 121, 122,
12 123, 124, 125, 126, 127, 128, 129, 130, 131, 132,
13 133, 134, 135, 136, 137, 138, 139, and 140, 141,
14 142, and 143.

15 May I have a motion, please?

16 LEGISLATOR GONSALVES: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRMAN SCHMITT: Moved by Legislator
19 Gonsalves, and seconded by Legislator Muscarella.

20 Any public comment?

21 (No verbal response.)

22 Seeing none, all those in favor please
23 say aye.

24 (Aye.)

25 LEGISLATOR DUNNE: Dunne votes aye.

2 CHAIRMAN SCHMITT: Dennis Dunne votes
3 aye.

4 That's the consent calendar.

5 Item Number 7, which is a vote on the
6 proposed Local Law to amend the Administrative
7 Code in relation to disciplinary procedures
8 regarding the Police Benevolent Association
9 members.

10 I have some slips here for some speakers.

11 Amy Ullo from the Long Island Federation
12 of Labor.

13 MS. ULLO: Good afternoon. My name is
14 Amy Ullo, and I'm here today on behalf of the
15 Long Island Federation of Labor. The Long Island
16 labor movement is appearing before this
17 legislative body to state our adamant opposition
18 to the efforts to circumvent, rollback, or repeal
19 collective bargaining rights.

20 We were before this Legislature in
21 January 2011 when this same legislation was
22 proposed. Our labor movement will never endorse
23 that narrow, one-sided approach to managing our
24 county's government. Nothing has changed. We
25 still believe this approach is illegal and doubt

that the courts will uphold this intrusion upon labor contracts willingly entered into by Nassau County.

We oppose the strategies the county executive and the legislative majority are undertaking in two separate areas. First, the county must not be given the power to abrogate the contractual wages, benefits, and working conditions of county employees for the purpose of creating a budget document. Second, binding arbitration must not be eliminated from disciplinary proceedings in the police department. Neither one of these two paths makes sense and neither should be adopted by the legislature.

It is time for both parties to get down to business and create a path towards solvency that does not place the full burden of solving these challenges on the backs of the county workforce.

We stated previously to this body that unilaterally opening union contracts creates problems beyond its likely violation of the Tailor Law. Favoritism will replace the existing

2 protections for union members. Cronyism will
3 become the new standard for job assignments and
4 pay. Collective bargaining and the laws that
5 define its limits prevent the political
6 manipulation of the workforce.

7 It seems like county leaders have lost
8 sight of the fact that we have a dedicated
9 workforce in place to provide the services county
10 residents --

11 CHAIRMAN SCHMITT: I'm sorry. I'm
12 sorry. I hate to interrupt you and cut you off.
13 It's my mistake. You're on Item 315; that's not
14 what's in front of us.

15 LEGISLATOR DENENBERG: She was speaking
16 about both, I think.

17 CHAIRMAN SCHMITT: You want to finish
18 your statement?

19 MS. ULLO: Please.

20 CHAIRMAN SCHMITT: That's my fault. My
21 mistake.

22 MS. ULLO: I believe every one of the
23 county unions understands the financial
24 challenges the county faces. They have been
25 willing to come to the bargaining table and talk

2 about confessions. They have endured layoffs of
3 their membership. They have experienced the
4 privatization of county services.

5 Nassau County residents deserve a much
6 better approach from county leaders. Our Long
7 Island labor movement will not stand by while
8 county workers and the police department are
9 undermined for ideological reasons. We urge you
10 to retract both of those measures.

11 Thank you.

12 CHAIRMAN SCHMITT: Now. On Item Number
13 7, Clerk Number 106, which is a vote -- which is
14 a Local Law to amend the Administrative Code in
15 relation to disciplinary procedures regarding the
16 Police Benevolent Association, we have an
17 amendment which was circulated on April 9 which
18 adds a section of -- it removes Section 8-13 and
19 Section 8-13-0 from the Nassau County
20 Administrative Code. The original item only
21 removed Section 8-13-OE. So it fixes that and it
22 eliminates those sections from the law.

23 I will make the motion. Could I have a
24 second, please?

25 LEGISLATOR GONSALVES: Second.

2 CHAIRMAN SCHMITT: Seconded by
3 Legislator Gonsalves.

4 All those in favor of the -- any debate
5 or discussion?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 All those in favor of the amendment
10 please say aye.

11 (Aye.)

12 LEGISLATOR DUNNE: Legislator Dunne
13 votes aye.

14 CHAIRMAN SCHMITT: Any opposed?

15 The amendment is passed.

16 On the item, as amended. We have Jerry
17 Laricchiuta from the CSEA. Jerry, I'm sorry.
18 These slips are out of order.

19 Charles Loiacano.

20 MR. LOIACANO: I want to be sure that
21 I'm talking on the right resolution. We're
22 talking about the disciplinary procedures.

23 CHAIRMAN SCHMITT: We're talking about
24 the disciplinary, yes.

25 MR. LOIACANO: That's really an easy one.

1 I won't deal with the obvious breach of
2 contract that you would face if this resolution
3 were passed. And you're all smart enough to know
4 where that would wind up.

5 I will, however, deal with the question
6 of fundamental rights. If you believe in due
7 process, that is the right to face your accuser
8 in the presence of an impartial third party, the
9 right to be judged fairly, then you would deny
10 the commissioner the right to be judge and jury.
11 If, however, you believe that a boss should have
12 the sole power to accuse, to judge, and to
13 sentence, why then, you'll give the commissioner
14 the sole power to fire police officers.

15 Many of us might be weak enough to wish
16 such power. And I said weak because it's a sign
17 of weakness to wish to avoid the work that comes
18 with preparing to prove, through evidence and
19 documentation, that someone's job, a property
20 right, should be taken away from him. But the
21 system of due process demands no less. It takes
22 strength and conviction to take on the task of
23 proving that taking away someone's livelihood is
24 justified.

Having the sole power to determine the fate of another is a power sought because it's the easy way to avoid the burden of proof. But such easy justice is most often injustice. It becomes so easy that the holder of such power often exercises it simply because he can. We should not be about easy justice.

We still believe that someone is innocent until proven, not judged, guilty.

CLERK MULLER: Your three minutes have expired, sir.

MR. LOIACANO: The contractual procedures in place are there to be used any time a police officer strays from the straight and narrow. The protections provided the accused are time tested. They work. It's just not as easy as slamming down the hammer. But then true justice was never meant to be easy; it was meant to be fair and impartial. And what you're being asked to do is to make justice partial and, therefore, unfair. Heaven forbid that you should do such a thing.

CHAIRMAN SCHMITT: Legislator Ford.

LEGISLATOR FORD: Good afternoon. I thank you very much, Mr. Loiacano, for your

2 comments on this. It's been a long day. And I
3 apologize for not saying your name right.

4 I do have -- that is a concern of mine,
5 as well, as to whether or not by giving the
6 police commissioner back the authority to oversee
7 the discipline of the police force, would it
8 still be considered fair or just? Would he have
9 the utmost control to be able to just randomly
10 fire a police officer? With that in end, I would
11 request that the police commissioner please come
12 up and please state basically what would be the
13 process if you are given this control back, as to
14 how you would deal with discipline with the
15 police officers, especially those that are facing
16 termination.

17 CHAIRMAN SCHMITT: Commissioner Dale,
18 come on up.

19 COMMISSIONER DALE: Thank you.

20 CHAIRMAN SCHMITT: He's up. Welcome.
21 Nice to see you, Mr. Loiacano; I don't know where
22 you went.

23 Commissioner Dale.

24 LEGISLATOR FORD: Commissioner Dale, can
25 you please explain, I guess, this is a concern.

1 In the past, I guess, you know, from, I guess,
2 you know, ten years ago, when this Legislature
3 voted to give an officer the right to go to
4 arbitration in matters of discipline. We're now
5 asked to reverse that and go back to where the
6 police commissioner would have the power, as you
7 have, I guess, control with the SOA as well as
8 the detective members. That is my concern as
9 well. It seems that there had been perhaps
10 favoritism or that officers were held
11 accountable, more accountable than perhaps their
12 superior officers. Basically, if an officer is
13 faced with termination or in cases of egregious
14 conditions, what would be the process and how can
15 we be assured that a due process of law and
16 fairness would be followed?
17

18 COMMISSIONER DALE: Well, none of the
19 systems that are in place right now are going to
20 change. An officer is going to be -- first an
21 accusation is made by either a civilian or a
22 supervisor. Initially, there's some initial
23 investigation. Gets called into internal
24 affairs. There's an investigation that goes on.
25 After the investigation goes on, is concluded,

2 that investigation is given to a disciplinary
3 review board. The disciplinary review board then
4 has the power to look at that case. They would
5 file it. They could forward it to me or they
6 could give a penalty, a small penalty for that.
7 Those cases that come to me are -- we call them
8 210s. A new system that's in place, is currently
9 in place for every sergeant, lieutenant, captain,
10 deputy inspector, inspector, and the chiefs, and
11 every civilian that works for the police
12 department, that system is still in place, and I
13 have the authority to give discipline at that
14 point. At that point what I would do is the
15 same. I would say if I'm going to give more than
16 ten days for a penalty for the particular action.
17 If I say I'm going to give more than ten days,
18 the information goes to the officer and then the
19 officer has a right to go to arbitration;
20 whereas, the sergeant, the lieutenant, they don't
21 have that right, just the members of the PBA. So
22 nothing is going to change as far as the rest of
23 the structure is concerned.

24 LEGISLATOR FORD: What happens - I mean,
25 I know that, you know, if you have an officer --

2 I mean, I don't know if any of the sergeants or
3 lieutenants have ever been brought up on charges
4 where they have been fired. What is the
5 recourse? For me, I'm reluctant, in a way. I
6 don't want it so that all of a sudden you're
7 given this power and then the next thing I know
8 all these officers are losing their jobs. Not
9 that I think that you would do that. But is
10 there any fail-safe mechanism? Say -- I'm going
11 to guess that an officer will always have a PBA
12 at his or her side during all of these hearings
13 and proceedings. Am I correct?

14 COMMISSIONER DALE: Yes. If, under the
15 procedure that is the same for the sergeants,
16 lieutenants, and captains, if the PBA will be in
17 that same process. If there's no arbitration,
18 the officers will be treated the same as the
19 sergeants. And that means that at that point the
20 officer will have a trial, a department trial,
21 there will be a trial commissioner who will hear
22 the case. The officer will have a lawyer. He'll
23 be able to present his witnesses. The department
24 will be able to present our witnesses to the
25 trial commissioner. The trial commissioner would

2 then make a decision, whether it's guilty or not
3 guilty, and that will be forwarded to me.

4 LEGISLATOR FORD: Okay. And then what
5 do you do with that once you get -- once the
6 trial -- what if they find -- if they find an
7 officer not guilty, can you overturn that not
8 guilty -- like, verdict?

9 SERGEANT SANTIAGO: Good afternoon,
10 Legislators. I'm Detective-Sergeant Santiago.
11 I'm the trial commissioner. I was a commanding
12 officer of the legal bureau.

13 If the hearing officer who is going to be
14 giving the recommendation to the commissioner of
15 police based on the administrative record,
16 determines a person is not guilty, most likely
17 the commissioner would defer to the opinion. But
18 you're correct; it is ultimately his decision
19 whether or not to impose that penalty. But there
20 are other remedies under state law, as you know,
21 and one of them is an Article 78 process. So
22 it's not the last say. It's the last
23 administratively. But in terms of property
24 rights, you do have recourse in the state courts
25 and that is unchanged.

2 LEGISLATOR FORD: So that would mean
3 that if an officer was found guilty -- now the
4 police commissioner says you're guilty and you're
5 going to get 40 days suspension.

6 SERGEANT SANTIAGO: What happens is a
7 find of guilty or not guilty and a recommendation
8 of penalty. So those are two issues that the
9 commissioner will review based on the record.
10 Under state law and standards of due process,
11 administrative due process, the commissioner must
12 look at the record and base his decision, if he's
13 going to go in the opposite direction, based on
14 the record. Again, there's a second look at this
15 through the court system.

16 LEGISLATOR FORD: So an officer has the
17 right to go above the police department to
18 another court, an outside court, a civilian
19 court, for want of a better word.

20 SERGEANT SANTIAGO: Correct. Yes, a
21 civil court, supreme court, an Article 78,
22 meaning please review the record upon which this
23 punishment has been given to me. That's when you
24 look at the record, the judge will, and make sure
25 that due process requirements were met during the

2 trial, the administrative trial, and any
3 administrative proceedings.

4 LEGISLATOR FORD: Now, considering the
5 fact that if this is passed, we're going to start
6 basically something new, for want of better
7 terminology. Correct? I mean, for the officers,
8 not for everyone else. So how is it when you
9 have these courts or if you're going to bring an
10 officer up on disciplinary charges, how do you
11 work out the type of, basically, punishment or
12 fines if an officer -- because you haven't had
13 this for the past ten years. What are you going
14 to use as your benchmark?

15 SERGEANT SANTIAGO: There is historical
16 basis administratively because these hearings,
17 traditionally departmental hearings have been
18 held, probably, I would say over 35 years. So
19 there are punishments that were given out over
20 the last three decades that one can review. You
21 can also look at it in terms of remedial efforts.
22 What type of punishment will help the department
23 at large? So those are discretionary, so you
24 would have to defer to some type of institutional
25 knowledge. Even though our labor arbitrators are

2 good arbitrators, they lack in that area. If the
3 commissioner would formulate a punishment, or
4 look at the administrative record, or look at the
5 police officer individually, then he or she would
6 make a better determination of what's better for
7 the officer, what's best for the police
8 department, and the residents of Nassau.

9 CHAIRMAN SCHMITT: Okay. Thank you.

10 LEGISLATOR FORD: Thank you very much.

11 CHAIRMAN SCHMITT: James Carver.

12 MR. CARVER: Good afternoon everybody.

13 James Carver, President, PBA.

14 There's been a lot of talk, obviously,
15 about this discipline. Back in 2004, we were
16 awarded this in an arbitration award because
17 there was blatant unfairness throughout the
18 ranks. I think everybody knows the whole story
19 about how back in 2007 it was unanimously
20 approved by this legislature. In 2008, after the
21 Administrative Code was changed, we negotiated
22 the procedure for how discipline will be dealt
23 with with PBA members.

24 Just recently -- we are very reluctant to
25 talk about cases that happen internally. But

2 since they've been in the paper all this time,
3 we're left with no choice but to do the most
4 obvious comparison.

5 We have a deputy commissioner and a chief
6 who are indicted, criminal charges, and they were
7 allow to resign from the police department,
8 receive their full termination pay, and, on top
9 of that, they're allowed to join in on a
10 voluntary separation incentive. So it's --
11 again, I believe that they are innocent and
12 that's the way they should be treated. Yet, I
13 have a police officer that has been charged with
14 no criminality whatsoever, who is alleged to have
15 had an affair, and he is also innocent until
16 prevent guilty, yet his termination pay is being
17 upheld and we have to go to court. This is the
18 whole crux of why we got binding arbitration for
19 discipline to begin with. It is not dealt fairly
20 throughout the ranks.

21 We are not saying that police officers
22 shouldn't be held to a higher standard. We all
23 believe we should be held to a higher standard,
24 and that's the way we feel about it. An
25 arbitrator just gives that third party to keep

2 the disciplines in line throughout the ranks.
3 I'm not saying our guys shouldn't be disciplined
4 if they do something that warrants it, but it
5 should be appropriate. Like I said before, it's
6 just like us giving you the ticket, testifying,
7 and then determining what the final outcome is.

8 You just heard before, you have a trial
9 commissioner that determines that the police
10 officer is not guilty, the commissioner can
11 overturn that. That's not fair. Of course,
12 there are appeals, but the police officer has
13 been out of work all that time and it affects his
14 family.

15 I can't -- I think the evidence is
16 obvious that, just like it was back in 2004, back
17 in 2007 when this board unanimously approved it,
18 that you should not change this. As a matter of
19 fact, you should probably give it to the SOA and
20 the DAI also, the same binding arbitration. Like
21 you said, at least it gives a third party the
22 right to be able to sit there and review what is
23 going on before the ultimate decision of firing
24 somebody.

25 I've gotta tell you what. Our conduct is

2 held in such high regard that arbitrators also
3 feel the same thing. They're all qualified
4 arbitrators. They've been doing this for a
5 living. They don't lean to one side or the
6 other. They're neutral arbitrators. Anybody
7 that's been involved in the business with
8 arbitration all these years understands that's
9 what they are there for, to be independent
10 arbitrators and decide something. You talk about
11 someone losing their job and not losing their job
12 and only one man ultimately can decide that and
13 overturn that decision, to me that's just not
14 fair.

15 That's where we stand on the issue.

16 Any questions?

17 CHAIRMAN SCHMITT: I got one.

18 MR. CARVER: What's that?

19 CHAIRMAN SCHMITT: It just seems to me,
20 maybe you can address it. I don't know. I know
21 what we did in 2007, and now it's 2012 and I
22 know, even though I don't expect you to agree
23 with me because as a union president it's not
24 your function to agree with me. But I look at
25 the police department right now and I'm very

2 disappointed. I don't think the disciplinary
3 procedures or systems in that department are
4 working. I'm not saying it's your fault. It's
5 certainly not Dale's fault; he hasn't been here
6 that long. I don't know whose fault it is. But
7 I know it's not working.

8 I am disappointed to see that the system
9 that's in place allowed you to turn around at the
10 conclusion of that disgusting, disgraceful Joanna
11 Bird case, and you were quoted in the newspaper
12 as saying, and I'm paraphrasing because they're
13 looking for the exact quotation. But you said
14 something along the line, with all due respect to
15 the victims, none of my members did anything
16 wrong. And yet \$7.5 million went out the door.
17 And I find that to be -- there's a disjoint
18 there.

19 MR. CARVER: I will tell you what the
20 quote is, I remember it. The quote was none of
21 the actions that my police officers took directly
22 caused her death. And that's the facts.

23 CHAIRMAN SCHMITT: Then why did we send
24 \$7.5 million out the door in settlement of the
25 case?

2 MR. CARVER: Peter, that's an internal
3 investigation.

4 CHAIRMAN SCHMITT: I'm not going into
5 what I read in the internal investigation. I'm
6 going into what's a public document. We settled
7 the case for 7.5 million.

8 MR. CARVER: You'd have to ask your
9 county attorney staff.

10 CHAIRMAN SCHMITT: I understand. But, I
11 mean, you know. The system that's in place, it's
12 just not working. I am not adverse to revisiting
13 something just because we did something in 2007
14 or 2009. This whole day is about revisiting
15 things. I'm not adverse to revisiting something
16 that's not working. I got a new commissioner
17 here, which I happen to find very refreshing in
18 this county, who turns around, stands up, and
19 says I'm the commissioner, it's my job, I want to
20 do my job, give me the authority to do my job,
21 and hold me accountable. Sounds pretty good to
22 me.

23 MR. CARVER: I think we're all held
24 accountable, that's the bottom line, each and
25 every day, Peter.

CHAIRMAN SCHMITT: I don't think the former commissioner was held accountable.

MR. CARVER: That's not my job, to hold him accountable.

CHAIRMAN SCHMITT: It wasn't mine either. But I'm just saying.

MR. CARVER: And the bottom line is all those things were negotiated. I'm not going to get into that Joanna Bird case.

CHAIRMAN SCHMITT: The quotation directly, so that there's no misquoting. The quotation is, Carver said he believed their disciplines were too tough. "Nothing they did, with all the sensibility to the victim and her family, caused her death." Maybe they did. Maybe they didn't. I don't know. I just know that \$7.5 million went out the door.

MR. CARVER: In my opinion it was not. None of their actions caused her death. We have a disagreement there, Peter. Not enough to over change a law.

CHAIRMAN SCHMITT: Legislator Denenberg.

LEGISLATOR DENENBERG: Hi, Mr. Carver. Since 07, when the binding arbitration was put

2 in, how many cases have gone to binding
3 arbitration?

4 MR. CARVER: Just one is currently in
5 binding arbitration.

6 LEGISLATOR DENENBERG: Just one?

7 MR. CARVER: Just one.

8 LEGISLATOR DENENBERG: So what would you
9 attribute to -- so why does so few go to binding
10 arbitration if it was such a big deal to put it
11 in?

12 MR. CARVER: Well, just like previously,
13 there were so few that went to trial because you
14 don't want to take that chance. You want to
15 negotiate a fine with the commissioner. And
16 we've talked about this before, where some of
17 those fines that were negotiated was the
18 resignation from the police department and fines
19 of certain pays.

20 LEGISLATOR DENENBERG: And that's
21 happened both before and after binding
22 arbitration comes in?

23 MR. CARVER: Both before and after. But
24 what we've seen is with binding arbitration we've
25 been more fairly treated in the discipline

2 process, except for just recently when we had
3 this incident back in, you know, early in the
4 year, February/March, with the indicted chief and
5 deputy inspector.

6 LEGISLATOR DENENBERG: Okay. So prior
7 to 07, if a disciplinary action was taken by the
8 commissioner, the officers could then follow by
9 eventually going to court?

10 MR. CARVER: Going to a departmental
11 trial.

12 LEGISLATOR DENENBERG: Okay.

13 MR. CARVER: Also, the last one was
14 probably back in 1995 or 1996.

15 LEGISLATOR DENENBERG: So a departmental
16 trial, the last one would be 95/96.

17 MR. CARVER: Somewhere around there.

18 LEGISLATOR DENENBERG: So the last 11,
19 12 years, most cases were settled.

20 MR. CARVER: Correct.

21 LEGISLATOR DENENBERG: And since 07 all
22 but one have been settled.

23 MR. CARVER: That's correct. There are
24 pending cases there, a backlog that the
25 commissioner is trying to get through right now,

2 and we will talk with him about that.

3 LEGISLATOR DENENBERG: If this is
4 repealed, do you have the benefit of Section 75
5 under State Law? You could go to court at some
6 point.

7 MR. CARVER: Correct.

8 LEGISLATOR DENENBERG: How often did
9 that ever happen?

10 MR. CARVER: Twenty years ago, maybe,
11 maybe even a little further back.

12 LEGISLATOR DENENBERG: Okay. I'm like
13 grasping here. Binding arbitration hardly is
14 ever used. The departmental trials were hardly
15 ever used. Ultimately, if one had to go to court
16 before the days of binding arbitration, that
17 hardly was ever the case. It seems like both
18 sides, in general, do negotiate settlements.

19 MR. CARVER: Correct. They have been.
20 What we found out was that at one time, when you
21 had the departmental trial, the fines were higher
22 for police officers than those of upper ranks.
23 That's why that was awarded in 2004. Like I
24 said, you should have a recent example of why it
25 should be there. It should just be an option.

2 LEGISLATOR DENENBERG: Thank you.

3 CHAIRMAN SCHMITT: Thank you, Mr.
4 Carver. I'm sorry. Somebody's got a question.
5 Legislator Scannell.

6 LEGISLATOR SCANNELL: So your testimony
7 is, Mr. Carver, that what we need here is some
8 third-party review.

9 MR. CARVER: Absolutely. That's the
10 only thing we're asking.

11 LEGISLATOR SCANNELL: Could you expand
12 on that? What do you mean by that?

13 MR. CARVER: The rare cases where an
14 agreement can't be made with the discipline that
15 the third party would be able to decide on to see
16 if it was too harsh.

17 LEGISLATOR SCANNELL: So a third party.

18 MR. CARVER: An independent third-party
19 arbitrator who is qualified in making these
20 decisions.

21 LEGISLATOR SCANNELL: As opposed to a
22 brand new commissioner who just made eight
23 precincts down to four, the biggest change in
24 public safety in the history of Nassau County.
25 You didn't agree with that plan?

2 MR. CARVER: That would be correct.

3 LEGISLATOR SCANNELL: Thank you.

4 CHAIRMAN SCHMITT: Okay. Thank you, Mr.
5 Carver.

6 Richard Kozowski.

7 MR. HESSEL: Excuse me. Peter?

8 CHAIRMAN SCHMITT: Yes.

9 MR. HOESL: I hate to interrupt. We
10 didn't have a slip in. Would you mind if me and
11 Glen spoke?

12 CHAIRMAN SCHMITT: Right after Richard
13 Kozowski. Then I'm going to call John Jaronczyk.
14 They had slips in. Then we'd be happy to have
15 you.

16 Did Richard Kozowksi leave?

17 (No verbal response.)

18 John Jaronczyk.

19 Brian Hoesl, come on back up.

20 MR. HOESL: Thank you, Peter. Brian
21 Hoesl. I'm representing the Superior Officers
22 Association, First Vice President. I apologize
23 for not having a slip in. We weren't quite sure
24 whether this was going to be called today or not.
25 But I just wanted to give you our perspective,

2 from the supervisor's standpoint, about this
3 particular case.

4 Back in 04, when we were all negotiating
5 our contracts, we did also have that provision
6 put in our contract. And the reason being, for
7 the Superior Officers -- and I know where Jimmy
8 made the point that sometimes Superior Officers
9 have a different standard when they go through
10 disciplinary proceedings. That may be the case
11 in certain ranks, but certainly first and second
12 line supervisors are held accountable and, in
13 many cases, even more harshly than the police
14 officers they supervise. There's a certain logic
15 to that, and I'm not here to argue that. The
16 fact of the matter is that we did have it put in
17 our contract.

18 When this board first got the
19 legislation, the DAI and the SOA were originally
20 going to be included, but at the last minute we
21 were pulled out. We were supposed to go on our
22 own and present this to the board. There was a
23 lot of discussion in our union because some of
24 our members felt they didn't even want this
25 provision because putting your case in the hands

2 of a third-party, somebody who has no experience
3 with police work, could be a scary thing. Many
4 times that decision is going to be worse when a
5 person has no background at all in law
6 enforcement and doesn't know what a police
7 officer does day to day and why he might have
8 taken the actions that he did take. So, for that
9 reason, I guess we didn't really make a big push
10 over the last five years to have it included.

11 But the bottom line on this thing is I
12 really feel that we're reacting to negative
13 publicity about the police department over the
14 last year. We've had, obviously, a lot of high
15 profile cases. Changing this law is not going to
16 change what happened in those cases. The fact of
17 the matter is the only thing that helps with
18 issues like that is better supervision.

19 This comes down to, in my own opinion, a
20 police department that went from 4,000 police
21 officers and over 500 supervisors down to a 2200
22 man police department with just barely over 300
23 supervisors. This is a dangerous situation you
24 are putting us in. This is really the crux of
25 the matter. People always need supervision out

2 there, and I think every officer wants it and the
3 department needs it.

4 So that being said, going back to this
5 law. You have to remember one thing. All you
6 seem to be doing now is reacting to *Newsday's*
7 coverage of all these cases. The fact of the
8 matter is that only one of them has even gone to
9 arbitration over the past five years. It's
10 really not going to change the disciplinary
11 process. The only thing I can say other than
12 that is what you're going to really accomplish
13 with this is you're actually changing their
14 collective bargaining agreement. So all you're
15 going to wind up with is a lot of litigation.
16 You're going to go through the courts. The PBA,
17 as I would fully expect them to do, is going to
18 challenge them in courts. All you're going to do
19 is run up a lot of legal bills for something that
20 I'm sure that can be corrected. And I'm sure
21 that the police commissioner can sit with the
22 unions and come to reasonable conclusions on some
23 of these high profile cases.

24 That being said, I think you really ought
25 to reconsider this before you vote to change a

2 law that you all unanimously passed, and really
3 has proved to not work over the last five years.

4 MR. CICCONE: Good afternoon. I'm Glenn
5 Ciccone. I'm President of the Detectives
6 Association.

7 Brian touched upon a few things. One of
8 the things that I will agree with was the binding
9 arbitration. The PBA received this award years
10 ago long before I was ever involved in it, and
11 it's a binding arbitration award. They received
12 it and now the county executive is asking for
13 legislation to supersede another contractual
14 award. Putting that aside. That's an important
15 issue that each of you should consider.

16 Second thing is when we talk about giving
17 a police commissioner definitive powers over the
18 police department. Commissioner Dale is an
19 honorable man. He comes here with a great
20 reputation. But you're not giving Commissioner
21 Dale this unfettered ability. You're giving the
22 commissioner of police these powers.

23 Now, the way the system is now it goes
24 through internal affairs. I know Commissioner
25 Dale explained it. It goes through IEU for

2 investigations. It goes up the ladder. But
3 remember one thing. The ladder all ends up with
4 the commissioner of police, and that's the final
5 word on everything.

6 Now, the DAI does not have this benefit.
7 When you're dealing with this and when we're
8 talking about giving the powers up, I worked in
9 the legal bureau for eight years. I worked on
10 those hearings that we had that are under the
11 police commissioner's powers. If you give this
12 power to the police commissioner, what's going to
13 happen is an Article 78 proceeding. Because
14 anybody that's going to lose their job, the
15 unions are going to go and they're going to
16 appeal it. As Sergeant Santiago explained to
17 you, it will be an Article 78. So you're adding
18 more litigation and more expenses. So any of the
19 attorneys up on the dais here, you'll know the
20 movement is to go forward with arbitration as
21 opposed to trials. Right now, with this award
22 that they have, we're eliminating that whole
23 other step. We're waiting for the commissioner
24 to give the final word, then go into an Article
25 78 proceeding, whereas once the board votes on

1 recommendation, that will go to an independent
2 arbitrator which will give every member of the
3 police department due process, and that's what
4 every member of the police department deserves.
5

6 Thank you.

7 CHAIRMAN SCHMITT: Thank you.

8 Legislator Denenberg.

9 LEGISLATOR DENENBERG: Very quick
10 question. Even though your respective unions
11 don't have the binding arbitration, if I'm
12 hearing you right you're saying two things;
13 reopening a contract and a provision that we all
14 voted unanimously on is almost certain, not for
15 your union, but for another union.

16 CHAIRMAN SCHMITT: That's incorrect, Mr.
17 Denenberg.

18 LEGISLATOR DENENBERG: Which part's
19 incorrect?

20 CHAIRMAN SCHMITT: There is no vote here
21 to reopen a contract. There's a vote here to
22 repeal and to amend the Administrative Code. It
23 has nothing to do with the contract.

24 LEGISLATOR DENENBERG: If I can finish
25 my question. What you're saying is this could

2 lead to more litigation in two respects, from the
3 union itself because of repealing this part of
4 the Code and repealing the binding arbitration,
5 number one, and, number two, the process itself,
6 the disciplinary process itself as opposed to
7 finishing with the commissioner and then binding
8 arbitration where you couldn't then go to court
9 on that. You go back to a process where
10 ultimately there could be more litigation if
11 there is disagreement between the party, because
12 there would be a departmental hearing and then
13 ultimately through Article 75 a judicial
14 proceeding.

15 MR. CICCONE: That's actually Article
16 78. Absolutely, it will be appealed. Anybody
17 that's losing their job, they're going to appeal
18 that. So in every situation, I can't foresee --
19 if you've gotten to that point where you wouldn't
20 have an Article 78 proceeding. You would have
21 more litigation and more cost.

22 MR. HOESL: I don't know if you're all
23 familiar with the background, why we're even here
24 speaking about this. Prior to, I believe it was
25 2008, when the Court of Appeals struck down

2 certain provisions of disciplinary arbitration in
3 contracts because of provisions in the Tailor
4 Law, up till that time many departments already
5 had disciplinary for arbitration in their
6 contracts. The only reason why they were forced,
7 the PBA, us, and the detectives were forced to
8 come to you people with this problem is because
9 of that Court of Appeals decision which made
10 certain departments, like New York City and
11 Nassau County, departments that were formed I
12 believe before 1960, was the date. If they did
13 not have a provision in their county charter, the
14 city charter, whatever it was, that allowed the
15 police commissioner full discretionary
16 disciplinary powers over the police department,
17 you could have this binding arbitration for
18 discipline. But most departments already had
19 that provision in there. That's what made us
20 have to come to you people to change the law.

21 Now that you've changed the law, you've
22 upset the whole apple cart here as far as
23 discipline goes. And what's going to happen now
24 -- and I'm not speaking for the PBA. But if it
25 was our union, certainly what we would do is now

2 go to court and say we're still covered by the
3 provisions of our contract that we made with you,
4 and that by you changing the law you're just
5 trying to overturn a provision of our collective
6 bargaining agreement, which is, I'm sure, the
7 case of what the lawyers are going to do. That's
8 what I would do.

9 LEGISLATOR DENENBERG: That's what I
10 understood.

11 MR. HOESL: All this is going to do is
12 lead to more litigation, more cost for the
13 county. The bottom line is that this provision
14 has been in place for five years. If there were
15 20 cases that went to arbitration and 19 of them
16 resulted in the police officer getting a more
17 favorable decision than you thought he was
18 supposed to get, I could fully understand you
19 taking this measure. But, the fact of the matter
20 is that only one case has ever gone there and
21 it's not even complete. And the reason that
22 arbitrations or disciplines have been held up for
23 the last five years is nothing because of a
24 failure of the disciplinary process. It's
25 failure of people not having the supervisors.

2 Since Commissioner McGwiggin retired, nobody has
3 really taken over that spot full time. There's
4 too much of a workload. There's too much of a
5 backload on everything else, and they don't have
6 the people to do it anymore.

7 This is actually, as Glenn said and he
8 made a very good point. This is a better
9 solution for everybody, binding arbitration,
10 because you know what? They go to binding
11 arbitration. If that's the way the officer
12 chooses, to take a chance with binding
13 arbitration, it's over and done with. No long-
14 term litigation with Article 78s. You're not in
15 court for five years and spending a fortune on
16 lawyer's fees. So, to me, it's a benefit to the
17 county. And, like I say in our union, there were
18 many members that said I wouldn't even go before
19 an arbitrator, I'd take my chances with
20 commissioner.

21 LEGISLATOR DENENBERG: The commissioner
22 that you mentioned was just one of the
23 supervisors and a role that we don't have any
24 more, which plays into what you were saying about
25 the lack of supervision.

2 MR. HOESL: The first deputy
3 commissioner who handled most of the --

4 LEGISLATOR DENENBERG: Right.

5 MR. HOESL: But now, unfortunately, our
6 first deputy commissioner has so much on his
7 plate, I don't think he can handle all that
8 stuff. There's no secondary commissioner
9 anymore.

10 CHAIRMAN SCHMITT: That would be a
11 determination that the commissioner would have to
12 make.

13 Okay. Thank you very much.

14 LEGISLATOR DENENBERG: Thanks.

15 CHAIRMAN SCHMITT: I'm going to call the
16 question. We're going to call the question.
17 We're going to move forward.

18 I'm going to call the question. All
19 those in favor of this proposed local law say
20 aye.

21 LEGISLATOR DENENBERG: Dennis Dunne
22 votes aye.

23 CHAIRMAN SCHMITT: We're voting on the
24 local law now.

25 All those in favor of the proposed local

2 law signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (Nay.)

6 Who said nay? Okay. We've got Solages,
7 DeRiggi-Whitton, Troiano, Scannell, and
8 Denenberg.

9 We have 14 in favor and five opposed.
10 The item passes.

11 Good luck, Commissioner.

12 Okay. The next item is a hearing on a
13 local law to amend Title 72 of the Miscellaneous
14 Laws of Nassau County entitled Vehicle Loan
15 Liability for Failure of an Operator to Comply
16 with Traffic Control Indications. That's what
17 we've been discussing most of the day, the red
18 light camera fund.

19 LEGISLATOR GONSALVES: So moved.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRMAN SCHMITT: I have a motion by
22 Legislator Gonsalves to open the hearing,
23 seconded by Legislator Muscarella.

24 All those in favor of opening the hearing
25 please say aye.

2 (Aye.)

3 Opposed?

4 (No verbal response.)

5 The hearing is opened.

6 All of the testimony that we heard at the
7 public comment relating to this issue will be
8 part of the record.

9 (Whereupon, the following is the
10 testimony given with regard to the hearing on a
11 local law to amend Title 72 of the Miscellaneous
12 Laws of Nassau County entitled Vehicle Loan
13 Liability for Failure of an Operator to Comply
14 with Traffic Control Indications.)

15 Ted Levy.

16 MR. LEVY: Good morning. I'm Ted Levy,
17 Executive Director of Freeport Pride, a non-
18 profit that receives substance abuse and youth
19 services funding from Nassau County. I'm here to
20 speak against the proposed revisions of the Red
21 Light Camera Law and any funding reductions to
22 the Office of Youth Services and the Department
23 of Behavioral Health. I'm going to share with
24 you why the proposed actions are wrong and why
25 they are unnecessary. Here are the reasons

they're wrong.

The revisions of the Red Light Camera Law would be a breach of faith and, in my opinion, would represent a lack of integrity in county government; here's why. State authority to establish the red light camera program was requested based on the revenues being tied to the funding of county youth programs. Now that the authorization is in place, it would be disingenuous for the county to use the funds for other purposes.

Every time we have pointed out that the Red Light Camera Law protects county youth programs, we were given excuses. First we were told the law also covers the Department of Social Services; therefore, there were insufficient revenues. This, despite the clear language of the law stating otherwise. Then we were told that the fund had to cover the entire budget of the designated departments, despite the language of the law limiting inclusion to only the cost of contract agencies. Then we were told that the fund had to cover the gross contract cost when the state was actually already paying for over

2 half these costs; this, despite the fact that
3 such double billing would be clearly wrong and
4 unlawful. Then, after we had debunked all of
5 that, and as early as last year we were told,
6 well, we could always revoke the law.

7 When the fund was established, Nassau
8 County made a commitment to county youth
9 programs. And be reminded, all of you who were
10 on the legislature in 2009 voted to approve the
11 red light camera rule.

12 The dictionary defines a pawn as somebody
13 or something that is being used for the advantage
14 of another person or organization, somebody who
15 is held as security usually as a hostage. The
16 funding of youth programs has, year after year,
17 been a pawn in county politics. The county said
18 we needed the red light camera program to fund
19 county youth programs. Now that the county has
20 the revenues associated with this initiative,
21 we're no longer needed and our elimination has
22 been proposed. And today our programs and those
23 we serve are being used as pawns in a new
24 political feud.

25 Now the reasons the proposed action is

2 unnecessary.

3 Over the last week we have been told
4 repeatedly we don't want to rescind the red light
5 camera law or revise it; we don't want to
6 eliminate your programs but we have no choice. I
7 have good news. We have developed a plan that
8 makes the proposed action unnecessary.

9 The Office of Management and Budget, last
10 month, projected red light camera income, as the
11 end of this month, at over \$10.5 million. This
12 projects a net revenue of over \$7 million. The
13 red light camera fund ended 2011 with a surplus
14 in excess of \$6 million. This total of over
15 \$13.6 million exceeds the \$8.5 million necessary
16 to fund the contracts of the designated
17 departments.

18 CLERK MULLER: Your three minutes have
19 expired.

20 MR. LEVY: Therefore, there is no need
21 to cut or eliminate the contracts of these
22 departments.

23 I have one paragraph left, if I can.

24 CHAIRMAN SCHMITT: Go ahead.

25 MR. LEVY: As I speak, some of you are

2 preparing what you might say in response to my
3 comments. Your comments will start with, we
4 support your programs and we don't want to see
5 them cut or eliminated, but the other side of the
6 aisle is really to blame. Please don't say that.
7 Leadership is not pointing a finger to the other
8 side of the aisle. Statesmanship is not saying
9 there is nothing I can do, it's their fault.
10 It's unfortunate that so many of our
11 representatives had decided to govern by blaming.
12 It's the most shallow and dishonest approach to
13 governing. Will one of you, instead, tell me
14 what we can do?

15 Thank you.

16 CHAIRMAN SCHMITT: Okay. I know there's
17 going to be a lot of give-and-take, and there
18 will be a hearing on this -- may be hearing on
19 this today; depends on what happens with the
20 bonding that is on for the tax certioraris. I
21 only take issue with you on one thing in your
22 comment.

23 You said that the red light camera
24 authorization, in the beginning, came with the
25 promise that it would be tied to youth funding;

2 that's not so and you know that's not so. The
3 red light camera authorization came from Albany.
4 It was an authorization for the county to put up
5 50 red light cameras, and fines obviously being
6 set at what they were set at. It was this
7 Legislature, both sides, that came up with the
8 idea of tying that money or dedicating that money
9 to go into youth programs. We did that, not the
10 state. It was done in a bipartisan fashion.
11 That was then, and this is now.

12 And I agree with you; I'm not going to
13 point fingers. I'm not going to say talk to the
14 other side of the aisle. But I will tell you
15 what I told you when we met. If the bonding
16 passes that's on the calendar today -- I'm not
17 telling anybody how to vote. If the bonding
18 passes, all of this goes away. If it doesn't, we
19 have to lead. You said it yourself. We have to
20 lead.

21 This county needs to save \$41 million.
22 There are \$41 million in tax cert judgments out
23 there. If the bonding to pay those judgments
24 fails and the judgments start to come into the
25 county to be satisfied, we need to accumulate the

2 money -- we, the County -- need to accumulate the
3 money to pay those judgments.

4 The low lying fruit in this county is
5 gone. We have eliminated. We have cut back. We
6 have cut spending. We have consolidated
7 departments. We have eliminated 1,776 positions.
8 We need \$41 million. If that means that we have
9 to go where we have to go, that's where we have
10 to go because we have to have \$41 million. It's
11 not anything against you. It's not anything for
12 you. It's just a statement of fact; the County
13 needs to accumulate \$41 million to pay those tax
14 cert judgments, and we're going to have to lead.
15 You're right. Everybody has to lead. So there's
16 decisions to be made today. It's on the
17 calendar. We will have a vote on the tax cert
18 bonding and it will go up or down, whatever way
19 the members of this legislature decide how they
20 wish to vote, and their votes will have
21 consequences. Pleasant consequences one way,
22 very unpleasant consequences for all of us the
23 other. But we're going to do what we have to do.

24 MR. LEVY: Mr. Schmitt, I want to
25 correct you on the tying to the youth funding.

1 I was here at the legislature when the
2 county executive's office, at the time, made the
3 presentation on a PowerPoint presentation and
4 showed the cuts that would happen if the money
5 didn't come in. And we were asked by the county
6 executive to bring -- to advocate. Mr. Schmitt,
7 we were asked to the county executive to
8 advocate. Mr. Schmitt --

10 CHAIRMAN SCHMITT: Anybody on the --

11 MR. LEVY: I just want to finish my
12 comments. I was trying to correct you. That
13 that presentation was made here and I was here
14 with the PowerPoint that was made by the county
15 executive where he tied the funding to the
16 continued funding of our programs. And then he
17 met with us and asked us to advocate on his
18 behalf at press conferences, etcetera, where we
19 were there and then we were told to reach out to
20 our legislators to explain to them that the
21 passage of this was tied into funding for youth
22 programs.

23 CHAIRMAN SCHMITT: When was this?

24 MR. LEVY: We met with Irlene Hooper
25 Hill, the --

CHAIRMAN SCHMITT: Excuse me. When was this?

MR. LEVY: This was when the law was passed.

CHAIRMAN SCHMITT: So back in 2007?

MR. LEVY: No. 2009 the law was passed.

CHAIRMAN SCHMITT: 2009. I'm sorry. So don't -- it is confusing, and I'm sure not by design. Don't say county executive. Say who it was. It was Tom Suozzi. It was not Mangano.

MR. LEVY: I'm not implying any county executive --

CHAIRMAN SCHMITT: I understand that, and I'm not being argumentative. What I'm saying to you is that when somebody says the county executive, in peoples' minds flashes Ed Mangano.

MR. LEVY: The then-county executive.

CHAIRMAN SCHMITT: Thank you.

MR. LEVY: It was tied. Mr. Schmitt, the point of the law was not to protect agencies when protection wasn't necessary, when there was money plentiful. The idea was to protect agencies as money got tight because we had worked to get that money into Nassau County. To now

2 rescind that law is just a breach of faith of a
3 commitment that was made to youth programs and to
4 human service programs.

5 CHAIRMAN SCHMITT: It's an unpleasant
6 situation, I'll grant you that. I have many
7 legislators who want to respond.

8 MR. LEVY: Now, I want to remind you
9 that we presented a proposal. I presented it to
10 you when I met with you. I presented it to Mr.
11 Abrahams when I met with him last week, and I
12 also discussed it with Mr. Nevin and with Mr.
13 Sullivan in brief telephone conversations that
14 does there is already sufficient money realized
15 in the red light camera fund from the small
16 rollover from last year and from the amount that
17 was already raised this year to cover all the
18 contracts in the human services department for
19 the rest of this year.

20 CHAIRMAN SCHMITT: And what did they
21 say?

22 MR. LEVY: What I was told is we'd have
23 to look into that. We may want to take that
24 money back retroactively. I said is that legal?
25 He said it's a matter for the lawyers. That's

1 what your aide said in our meeting, that it could
2 be taken retroactively. But that just doesn't
3 make any sense. If you passed a law today, it
4 can't affect what was done in the past. I would
5 ask that you not go through with the intended
6 actions because we have an alternative.
7

8 I want to remind you that we came up with
9 the alternative for the Wal-Mart settlement case,
10 which restructured the Wal-Mart monies that were
11 paid to the county as part of that lawsuit, and
12 saved drastic cuts to youth services programs
13 three years ago. We've also worked to get money
14 donated to the county to help pay for our causes
15 through several foundations. So we have always
16 come up with alternatives and tried to present
17 them to the county. But the idea is not to say
18 we can't do this because of that or because of
19 this, but to work together to make it happen. As
20 I tried to implore in our meeting with you, this
21 can be avoided if we work together. But if there
22 is a vote here without anybody reaching out to
23 us, without any conversation with us and just
24 saying we're going to take you out of the red
25 light camera law and authorize the county

2 executive to eliminate your two departments,
3 that's just not a proper -- that's not
4 leadership.

5 CHAIRMAN SCHMITT: Okay. Legislator
6 Jacobs.

7 LEGISLATOR JACOBS: Ted, you know we've
8 worked together for what? Almost 17 years.
9 There's no question in my mind that youth
10 services as well as some other very seriously
11 affected services for seniors and for a variety
12 of reasons, mental health, etcetera, have always
13 been caught in this web because they really are -
14 - and I hate the word and I know you hate the
15 word - "discretionary", even though they affect
16 the people that we all want to help the most.

17 There is no question. There is nothing
18 in the history you just gave that is wrong.
19 Finally, when County Executive Suozzi, in 2009,
20 came forth again with the red light cameras, it
21 was this legislature, in a bipartisan way, that
22 decided, okay, we'll agree to the red light
23 camera money as long as it forever more takes the
24 most vulnerable people in the county out of the
25 equation of being slashed and burned each time

2 and having to fight for their very existence.

3 To be very honest with you, this really
4 saddens me because the amount of money --
5 especially, you're here for youth board. The
6 amount of money that is really, we're talking
7 about for youth board, it doesn't even come close
8 to what this county is in trouble about.

9 MR. LEVY: Total for human services is
10 .2 percent of the total county budget.

11 LEGISLATOR JACOBS: Exactly. But the
12 point is this. This is what is always something
13 that people gravitate to because emotions run
14 high with it. And I thought we had saved you
15 from this again when that happened in 2009.
16 Unfortunately, you're right back here pleading
17 for your very existence. Shame on us, all of us,
18 on either side of the aisle if we can't find an
19 alternative. And if there was a surplus last
20 year, then use that surplus. But I'm saying to
21 you that to put you in this position again breaks
22 my heart. I will not be a party to it. We have
23 to dig deeper and we have to think more clearly.
24 Certainly your small part of that budget should
25 not be the ones that are continuously fighting

2 for your last breath not to happen.

3 I'm with you. I've always been with you.
4 And I thought we had stopped you from having to
5 be here again on this matter, but I guess I was
6 wrong.

7 MR. LEVY: One thing I would just like
8 to clarify is when you said because we're
9 discretionary. We are no longer discretionary if
10 the law calls for us to be funded through this
11 money. But what we can't do is say we decided in
12 our wisdom, unanimously, that you would not be
13 discretionary, but now we've changed our mind
14 because we have a fiscal crisis. The idea was to
15 protect us in a fiscal crisis, not to protect us
16 when money was plentiful.

17 One legislator, and I won't mention the
18 name, but said it really very clearly. This is
19 to prevent the county executive from grabbing the
20 money and using it for something else. But
21 that's what's being done. The money is being
22 grabbed and use for something else.

23 LEGISLATOR JACOBS: I know what
24 legislator said that.

25 CHAIRMAN SCHMITT: I think I said that.

2 LEGISLATOR JACOBS: And I remember it
3 distinctly.

4 CHAIRMAN SCHMITT: I said that, right?

5 LEGISLATOR JACOBS: I don't think so. I
6 don't want to say who.

7 CHAIRMAN SCHMITT: Did I say that?

8 LEGISLATOR JACOBS: I'm don't want to
9 say who.

10 CHAIRMAN SCHMITT: Let's go by process
11 of elimination.

12 LEGISLATOR JACOBS: But I'm going to
13 tell you something.

14 CHAIRMAN SCHMITT: Did I say that?

15 LEGISLATOR JACOBS: People have to put a
16 memory cap on --

17 CHAIRMAN SCHMITT: I did. Yes. I did.

18 LEGISLATOR JACOBS: and realize --

19 CHAIRMAN SCHMITT: He says I said that,
20 Judy.

21 LEGISLATOR JACOBS: Who said you said
22 that?

23 CHAIRMAN SCHMITT: Ted says I said that.

24 MR. LEVY: I have the transcript. You
25 said that you wanted to prevent the county

2 executive from grabbing the money and using it
3 for something else. That's what the county is
4 now doing, they're grabbing this money and using
5 it for something else, which you wanted to
6 prevent. You said it had to be prevented.

7 CHAIRMAN SCHMITT: And I would say it to
8 you again, if we were in a normal fiscal
9 situation.

10 MR. LEVY: You didn't say I want to
11 prevent him grabbing it if we're in a normal
12 fiscal situation.

13 CHAIRMAN SCHMITT: I plead guilty to the
14 idea that I never envisioned a control period, I
15 never envisioned the county at the verge of
16 bankruptcy, and I never, ever, ever envisioned an
17 irresponsible, out of control minority, who would
18 do --

19 LEGISLATOR JACOBS: Wait a second.

20 CHAIRMAN SCHMITT: I'm sorry. I'm
21 sorry.

22 MR. LEVY: This is not --

23 LEGISLATOR JACOBS: Listen. Ted --

24 MR. LEVY: about --

25 CHAIRMAN SCHMITT: Judy Jacobs waxes

2 poetically about hopefully we can come up with an
3 alternative. There is an alternative on the
4 calendar today. And in the ten years that they
5 were in charge, the Republican minority never,
6 not one time, never -- and you can go to the
7 books and check it -- never turned down bonding
8 for tax certioraris because it was the
9 responsible thing to do, even after they thwarted
10 our efforts in 2008 or 09 to fix the system, we
11 still provided the votes for the bonding for tax
12 certs. Now we're in a situation where they make
13 their choices, Ted, and then we have to make
14 ours.

15 LEGISLATOR JACOBS: Ted --

16 CHAIRMAN SCHMITT: If they turn --

17 MR. LEVY: I asked you a little while
18 ago -- I asked everybody to please not blame the
19 other person. You said, okay, I won't do that,
20 and then you went ahead and did it.

21 LEGISLATOR JACOBS: It's hard not to.

22 CHAIRMAN SCHMITT: Because everybody is
23 asking for an alternative, and I want everybody
24 to understand --

25 MR. LEVY: I want an alternative, but

2 the alternative --

3 CHAIRMAN SCHMITT: there's an
4 alternative on the table.

5 MR. LEVY: but the alternative is not to
6 blame. I'm not pointing this out to you. I
7 don't want the Democrats to say it's the
8 Republicans' fault for something. I don't want
9 the Republicans to say it's the Democrats' fault.
10 I want people to work together for one time to
11 find a solution.

12 CHAIRMAN SCHMITT: We did.

13 MR. LEVY: Everybody's telling me why
14 this can't be done. I know it can be done if we
15 work together. If somebody steps above these
16 partisan fights that always go on and using us as
17 pawns and say we're not going to use them as
18 pawns because this is important. So let's work
19 together. Let's lock ourselves in a room -- this
20 is what I said to you when we met. Let's lock
21 ourselves in a room and come up with a solution,
22 not a fight.

23 CHAIRMAN SCHMITT: A solution. You want
24 a solution to be leave us alone and go someplace
25 else. I understand that.

2 MR. LEVY: No, no. I didn't ask for
3 that. I said I'm here to give you solutions.
4 I'm here to work with you. I'm here to --

5 CHAIRMAN SCHMITT: We need \$41 million.

6 MR. LEVY: We've always stepped up to be
7 part of the solution. We've always stepped up.
8 We even lobbied this year for the red light
9 camera money even though it wasn't going to us.

10 LEGISLATOR JACOBS: I just want to
11 finish what I started.

12 CHAIRMAN SCHMITT: Please do.

13 LEGISLATOR JACOBS: Listen. Back in
14 2007, from the operating budget, this County paid
15 \$50 million for tax certs. Back in 2008, from
16 the operating budget, this is not bonding, this
17 county paid \$40 million. Back in 2009 we paid
18 \$50 million for the operating budget. I mean,
19 I'm sure you know where I'm going with this.
20 There was a fiscal crisis then, and there is a
21 fiscal crisis now. And during the fiscal crisis
22 then, in spite of the fiscal crisis, this
23 legislature stood up to the county executive,
24 which was Suozzi at the time, and said no, no,
25 no, no; you want red light cameras, earmark it to

1 protect the youth board, to protect social
2 services so we can go forward. Same crisis, my
3 friend. Things have not changed that much in
4 three years; we know that. The country has not
5 changed that much. So just realize what I'm
6 saying to you. For all those years -- 07, 08,
7 and 09, and 10 -- there was money in there. Now
8 we're going to bond for this, last year and this
9 year. That's the only change there's been. You
10 need good organization. You need to think out of
11 the box. We used to think out of the box and we
12 got it done.

14 I'm not talking about the other side. I
15 can only talk for this side. There is no --

16 CHAIRMAN SCHMITT: Mrs. Jacobs, we
17 bonded in those years too.

18 LEGISLATOR JACOBS: Pardon me?

19 CHAIRMAN SCHMITT: The record shows that
20 we bonded in those years too.

21 LEGISLATOR JACOBS: Excuse me. What I
22 just gave you is the facts from the fiscal people
23 in this county. I'm telling you that --
24 forgetting about who or what, you don't care
25 who's responsible, you just want us all to be

responsible for keeping you whole.

CHAIRMAN SCHMITT: On that we can agree. We don't care who is responsible. We want to move forward. And in order to move forward these tax certiorari claims must be paid; that requires a 13 member vote of the legislature to bond, as you well know. It either passes or it doesn't.

LEGISLATOR JACOBS: And it's only youth board that has to suffer if that doesn't happen. Give me a break, Peter.

CHAIRMAN SCHMITT: Obviously, if you read the legislature it's not youth board.

LEGISLATOR JACOBS: That doesn't even get you off square one and start.

CHAIRMAN SCHMITT: And then the rest comes with the following piece of legislation which authorizes the county executive to do what has to be done -- furloughs, whatever it is, closing departments, shuttering departments, whatever has to be done to get us up to that \$40 million mark. It's it. It's now. It's the end of the road. There is no more road to kick the can down. We either do this bonding or we gotta do something else.

2 Legislator, are you done?

3 LEGISLATOR JACOBS: I'm done, because
4 I'm not going to keep going and I'm not going to
5 --

6 CHAIRMAN SCHMITT: Me too.

7 LEGISLATOR JACOBS: point fingers at
8 you.

9 CHAIRMAN SCHMITT: Legislator Denenberg.

10 LEGISLATOR ABRAHAMS: Actually, I was
11 next.

12 CHAIRMAN SCHMITT: I'm sorry. I had you
13 checked off already. Legislator Abrahams.

14 LEGISLATOR ABRAHAMS: Thank you,
15 Presiding Officer Schmitt.

16 Ted, first, I want to thank you for
17 coming down. I want to thank everyone in the
18 audience for coming down on such an important
19 issue. I just want to bring up a very important
20 issue that I think is being overshadowed, that I
21 think we talked about when we met on Friday.
22 That issue, in itself, is that this legislature,
23 or this county executive, I should say, has been
24 dealt the very difficult task of coming up with
25 100 -- I'm sorry -- \$150 million in savings for

2 this year before NIFA will adopt his plan. I
3 know there's a lot of discussion that his plan's
4 been adopted. But I think everyone full well
5 knows, and I think the *Newsday* editorial kind of
6 categorized it, I think, very well in
7 demonstrating what the optical is this morning.

8 The Presiding Officer asked me to put on
9 the record that Legislator Ford and Legislator
10 Scannell are here in attendance and in their
11 seat.

12 That said, Ted. It's very identifiable
13 that the fact remains that NIFA, even with the
14 votes of this legislature to support any kind of
15 level of borrowing, still has the final say. And
16 in discussions that we have had, as well as it
17 being public and being in the papers and written
18 down in letters, there is no will of NIFA to
19 support any bonding of any magnitude without the
20 \$150 million in place. As we all know, *Newsday*
21 reported earlier today -- I had given the county
22 executive a little bit more credit in our meeting
23 on Friday. The number is actually under \$100
24 million if you go by what *Newsday* reports today.
25 I was under the impression it was a little bit

2 higher. That being said, the fact remains
3 they're still \$50 million short. Now, if someone
4 can show me some documentation that NIFA would
5 support the level of borrowing of what Mr.
6 Schmitt is referencing today in regards to bond
7 certioraris, then maybe I have a different tune
8 in regards to what he is saying. Not with
9 regards to the borrowing, but in regards to the
10 measures that he's talking about that he needs to
11 take.

12 The bottom line is very simple. This
13 legislature is being asked to do something when
14 the oversight body may not go along with it at
15 all. And to be frank with you, the oversight
16 body has been asking for these savings for the
17 last four months. They were due on February 1,
18 2012. We are now approaching June 1 and we still
19 don't have anything in place. So the only
20 direction I truly see, and that's in support of
21 what you're trying to accomplish today, is the
22 fact remains that without -- they're saying that
23 without -- and I don't want to put it to they. I
24 just want to make sure I'm rehashing everything
25 so we can say it clearly. The majority is saying

2 that, basically, if there is no borrowing in
3 place, then we have to go to these drastic cuts.
4 But they, themselves, can't even fully say that
5 with confidence. Because to say that with
6 confidence means that they must have the blessing
7 of NIFA that the borrowing will go through on
8 their end if this legislature approves it. I
9 don't think that's been said. I don't think
10 that's been said to anyone in this legislative
11 body. Now, if that is truly the case, then the
12 bottom line is very simple. Then what they're
13 talking about in terms of how to get the savings
14 is not reality. Reality is, I truly believe,
15 that you guys, and I've said this to you before -
16 - youth board, seniors was always a target to get
17 the \$150 million in savings from the
18 administration. And I truly believe that the
19 repealing of this law will help them get toward
20 their \$150 million cut. Now, to backtrack to
21 2009.

22 It was always our believe to take the
23 political football -- to take you guys away from
24 being a political football. It was always our
25 belief that no matter what came up, the red light

2 camera fund was a designated fund for youth
3 board, seniors, and other agencies, whatever the
4 ones within the law. From our standpoint, if you
5 have the willingness -- if you're unwilling to
6 stay obligated to that law, then obviously what's
7 the point of the law in the first place when we
8 did it in 2009? If it's so easy to repeal it
9 when the going gets tough, I just don't see the
10 sense of why we did it. Then to say it's the
11 democrats or the republicans, I'm going to
12 respect your wishes. I'm not going to get into a
13 blame thing back and forth. To me, it seems a
14 little disingenuous, that when you passed the
15 law, suddenly the law doesn't really matter
16 anymore because things have gotten so rough.

17 To answer to their point, I just don't
18 see the willingness from NIFA. If somebody could
19 show me something different, I would love to see
20 it. I don't see the willingness from NIFA to
21 support any levels of bonding without a
22 substantial amount of savings of \$150 million
23 being in place.

24 MR. LEVY: Kevan, I appreciate your
25 point. And I want to let other people have an

1 opportunity to speak. But I do want to say, just
2 for the record, something that we shared with
3 you. Our coalition is not taking a position on
4 the borrowing. I know you understand it, but I
5 just wanted to put that on the record. We don't
6 know enough about whether it's a good idea or a
7 bad idea. All we want is we think there are
8 alternatives to this fight that protect our
9 system. I have two documents -- I'll give one to
10 you and one to Mr. Schmitt -- that explain where
11 the funds are already existing. If the funds are
12 there, there's no need to vote to rescind them
13 today because we have shown where they are. We
14 have shared this with Mr. Sullivan briefly, and
15 now we've shared it with the majority leader and
16 minority leader.

17
18 We have a proposal. We have an
19 alternative. We have a way this doesn't have to
20 be done. So please don't say our back's up
21 against the wall.

22 LEGISLATOR ABRAHAMS: Please. By no
23 means, I don't want you to believe or think that
24 I was implying that you should support the
25 position.

MR. LEVY: I know you're not. I just wanted to clarify.

LEGISLATOR ABRAHAMS: My point was, basically, I heard the presiding officer talk about the fact that, you know, bonding is going to pass or not pass. Absent from his argument, he left out the fact that obviously there's an oversight board that has to approve the bonding as well. As you probably well know, that same board already, in a few short days, did not approve bonding for the Aquatic Center, as well as did not approve a contract for Morgan Stanley for the privatization of sewers. So there's obviously another entity that's involved that he chose to neglect, for whatever reason. That being said. Since that entity is obviously the 800 pound elephant in the room, I think from our standpoint, for someone to say in this legislature that if this passes today you'll be able to get your contracts, I think is not giving you the full facts and the full truth. When, full well, I have not seen anything. Someone can correct me where I'm wrong. I have not seen any documentation that NIFA would support any level

2 of borrowing for anything without the \$150
3 million being in savings, which they would do on
4 February 1, 2012, and now we're approaching June.

5 MR. LEVY: Thank you all.

6 LEGISLATOR ABRAHAMS: Thank you, Ted.

7 LEGISLATOR GONSALVES: Legislator
8 Denenberg. Anything else to add?

9 LEGISLATOR DENENBERG: Ted, Ted. You
10 know what? I heard you loud and clear. The
11 issue you are here to speak about is a promise
12 was made -- it wasn't just a promise, it's a law
13 -- in 2009, when this body faced closing a \$150
14 million budget gap, which is -- I think I got it
15 on the nose; the buzzer went off. But we were
16 facing a \$150 million budget gap, which is
17 exactly what NIFA wants to see closed right now,
18 \$150 million. In a bipartisan way, this
19 legislature said, because you were being
20 threatened with cuts, your \$14 million worth of
21 contracts, when you talk about youth, behavior
22 services, and mental health, seniors, and
23 veterans. That's what you were faced, \$14
24 million in cuts to come up with part of that 150.
25 We said, in a bipartisan way, no. Because the

2 county executive can keep coming back to us
3 again, and again, and again, and saying unless
4 you approve this, I'm going to cut the
5 discretionary youth and mental health services.
6 Right? And we said no -- whether it was drug and
7 alcohol, mental health, youth. We put a
8 continuing revenue source in so that you weren't
9 held hostage all the time. It's the truth. If
10 that's taken away, if that's taken away, today
11 you're being held hostage to \$41 million in
12 borrowing. Tomorrow there's a bill right behind
13 there for \$102 million in borrowing. And then
14 there's a bill for yet another \$114 million for
15 borrowing. You will always be held hostage
16 unless we keep our promise, which was done in a
17 bipartisan way in February 2009, when then-county
18 executive said the walls are caving in. Merrill
19 Lynch just went bankrupt. Sales tax plummeted by
20 over \$100 million. And we said here's your
21 revenue source. You say you need this for mental
22 health. We'll trust you, but we're going to make
23 it law. Don't ever undo what we did because that
24 took you away from discretionary funding. This
25 puts you right back at the mercy of any county

executive and any legislature. So the bottom line is this.

You will -- if this is taken away -- I voted against the second stage of red light cameras because I saw it was going to the general fund, and it was paving the way that now, even the first stage is being taken away from where it was supposed to be. And at that time the current county executive was a legislator. The current presiding officer said we don't want to let the county executive use this money any other way. So why -- what's changed? Why are we allowing the county executive to use the money any other way? A \$150 million worth of cuts will always include you if this is repealed. We can't repeal it.

MR. LEVY: We were told that the need is only for this year because of accumulation of tax certs and that it wasn't needed going forward. But the law is not just to change it for this law, it's to change it going forward. When I questioned that, I was told there may be need in other years. That's just not right.

LEGISLATOR DENENBERG: There's \$400

2 million worth of tax certs coming. Four-hundred
3 million. Not 42. Four-hundred million. So this
4 is going to happen again and again. When we were
5 in the majority and they were in the minority,
6 you know what? No one pointed fingers. We said,
7 you know what County Executive Suozzi, at the
8 time, you can't touch them. You want the red
9 light cameras, dedicate the money to protect
10 these agencies.

11 I want to protect these agencies. I'm
12 going to vote no to repeal it and all of us
13 should, period.

14 MR. LEVY: Thank you.

15 LEGISLATOR DENENBERG: Let me just say
16 this. Isn't this ironic that some of the money
17 that could go to you went out for this mailer
18 that said, hey, thank you, Ed Mangano, for not
19 borrowing against my future. What you're being
20 told right now is that we need to borrow against
21 your future to save our present. You know what?
22 So why are we mailing this? I don't need to
23 borrow against my future to save the present. We
24 took care of it. The first red light cameras
25 have to go to you. To repeal it, particularly

retroactively, is a shame, it's wrong, and it has to be stopped.

MR. LEVY: Thank you all. Mr. Schmitt, thank you for the time. Mr. Schmitt, I left the document for you.

CHAIRMAN SCHMITT: Legislator Nicolello.

LEGISLATOR NICOLELLO: I just wanted to make a couple of points in response to some of the things that have been said.

Legislator Schmitt had mentioned that we had approved borrowing over the last ten years. The amount of borrowing that we approved was a billion dollars. A billion dollars in borrowing over ten years. Republicans, time after time after time, gave the votes so that that borrowing could go forward. That borrowing went forward, the county kept operating. The money was there to fund the programs.

The bonds that we're approving today, many of which of these tax refunds date back ten years, 15 years, they're not new. They were generated by mistakes in assessment over the last 15 years.

2 There's been a lot of discussion about
3 the evils of borrowing. No one up here likes to
4 borrow for tax refunds. Obviously, we have done
5 it in a responsible way for over ten years
6 because we knew it would shut down county
7 government. But the issue today is not whether
8 or not borrowing is good. It's not whether or
9 not NIFA is going to approve it. The issue is
10 are we going to get votes from the minority to
11 approve this? And they've already said, in
12 writing, that they will not approve any borrowing
13 until they get the districts that they want.

14 It's not about NIFA. It's not about pay-
15 go. It's about they want the districts, and
16 they're not going to give us the votes, number
17 one. It's in writing.

18 MR. LEVY: But can't you take us out of
19 that argument? I don't want -- you see, you're
20 going to say it's about redistricting, they're
21 going to say something back, and you're going to
22 forget that I'm standing here. Can't we come out
23 of that argument and deal with our issue? I
24 don't want to hear about borrowing, and I don't
25 want to hear about redistricting. I don't have

2 an opinion about that. I'm not a politician.
3 I'm here to talk about my issue --

4 LEGISLATOR NICOLELLO: Let me say this.

5 MR. LEVY: and I'm going to implore you
6 to please take us out of your feud.

7 LEGISLATOR NICOLELLO: You said you
8 don't care whether it's good or bad, the
9 borrowing.

10 MR. LEVY: On a personal level, I care.
11 But representing the --

12 LEGISLATOR NICOLELLO: Let me tell you
13 why --

14 MR. LEVY: youth and substance abuse
15 program, we don't have an opinion.

16 LEGISLATOR NICOLELLO: Let me tell you
17 why it is vitally important for the youth
18 programs.

19 They mentioned the fact that there's
20 upwards of \$100 million more in cuts that have to
21 be achieved. Before we even touch the borrowing,
22 that's \$100 million. That's a lot of work.
23 We're in crisis. If, today, we don't approve
24 that borrowing, there's \$41 million in judgments
25 that are outstanding. That will allow the

2 attorneys who have those judgments to freeze bank
3 accounts to the tune of \$80 million. Now, in the
4 environment in which we already have to seek
5 cuts, in which we have a crisis, that puts us
6 over the edge.

7 Now, everyone in this room who is in the
8 youth agencies is an intelligent person, you
9 contribute a tremendous amount to society. I
10 can't believe that anyone out here doesn't
11 understand how bad it is if we don't approve this
12 borrowing today.

13 MR. LEVY: Let me paraphrase what you
14 just said; it's their fault.

15 LEGISLATOR NICOLELLO: Come on.

16 MR. LEVY: That's what you just said.

17 LEGISLATOR NICOLELLO: Don't you
18 understand --

19 MR. LEVY: You said it's their fault.
20 If I speak to them about borrowing, you know what
21 they're going to say? It's your fault.

22 LEGISLATOR NICOLELLO: I don't care
23 whose fault it is. Don't you understand the
24 impact on your agencies if we don't approve this
25 borrowing? Can't you understand how bad it is

2 for you?

3 MR. LEVY: Yes. I've given you an
4 alternative that takes us out of the borrowing
5 dilemma.

6 LEGISLATOR NICOLELLO: Get me \$40
7 million on top of the \$90 million we have to get.

8 MR. LEVY: I can't solve all the county
9 problems. I can just fund our agencies. I'm
10 sorry.

11 LEGISLATOR NICOLELLO: I can solve 40
12 million of it today.

13 MR. LEVY: I can't fund the whole
14 county. I'm not that good.

15 LEGISLATOR NICOLELLO: I understand
16 that. But you all have to understand how bad it
17 is for the youth agencies, the senior agencies,
18 the employees of the county, if we don't do this
19 responsible act of continuing this borrowing. We
20 did it for ten years for a billion dollars.

21 MR. LEVY: Okay. I can't make my point
22 anymore.

23 CHAIRMAN SCHMITT: Legislator DeRiggi-
24 Whitton.

25 LEGISLATOR DeRIGGI-WHITTON: Thank you.

2 I just want to say, as a newcomer you kind of see
3 things a little bit differently. One thing, away
4 from the politics, I've heard Rob Walker stand
5 there and say there's \$90 million in our budget
6 right now that's available that has not been
7 designated to any area that's available. So I
8 understand how they can say that they don't have
9 this money and this money has to come from you.

10 Number two. The red light camera. We
11 asked for an audit for what's been owed to you,
12 as well as many of the other parties that I've
13 met with. We still have not received that.
14 There's money that's owed to you that would
15 absolutely come in handy right now that should
16 not be taken away from you.

17 Number three. When I asked Rob Walker,
18 okay, listen, if you're going to take the money
19 away from these groups for the red light camera
20 when you're waiting for us to bond or whatever,
21 when are you going to give it back? Are you
22 going to give it back to them right away? And he
23 would not commit to that.

24 I don't think that this has anything to
25 do with the borrowing. I honestly think that

2 they want to put this money in the general fund
3 and they are using this as an excuse. They know
4 how important these areas are to us. And I
5 really, everyone knows how important it is. I
6 just have one other thing.

7 What they're saying right now is a
8 billion dollars in ten years, that's \$100 million
9 a year. That's a quarter of what they're going
10 to be borrowing for for this year. So when you
11 really look at this, what we need to do is get
12 financially responsible. There's still a lot of
13 waste in this budget. And to use you guys as the
14 ones that we know that we care about, really,
15 it's appalling to me. And I'm sorry that you're
16 going through this.

17 The bottom line is we can all vote to
18 borrow today, and NIFA's going to say now. So
19 there has to be other ways to come up with this
20 money. I think it's already in the budget for
21 you and I think you already owed it from past
22 amounts that are due.

23 CHAIRMAN SCHMITT: Legislator Troiano.

24 LEGISLATOR TROIANO: Ted, can you just
25 come back just for a second? I'm only going to

2 speak for about 30 seconds.

3 We've heard some discussion today about
4 leadership. And leaderships is about making
5 tough choices. We've heard from the presiding
6 officer that in this case there really are no
7 other choices to be made. We don't really need
8 leadership because there's a certain path we have
9 to follow. Out of \$2.7 billion in the county
10 budget, the only choice we have - the only choice
11 we have out of \$2.7 billion is to cut youth
12 service program, programs for the aging, and
13 mental health programs. Out of \$2.7 billion.

14 Leadership is about making choices. It
15 is a choice to choose to cut these programs. It
16 reflects the county executive's priorities.
17 There are other choices. And I think this board
18 owes it to you, Ted, to at least get a copy of
19 the other items that you've identified that could
20 be cut, rather than cut the neediest amongst us.
21 So I ask that the district clerk make copies for
22 every member of the legislature to see that, so
23 we can make a decision that's not based on a
24 false choice, or having only one choice, that's
25 based on a full knowledge base that there are

other alternatives. Because leadership is about making choices and setting the proper priorities.

CHAIRMAN SCHMITT: Legislator Troiano, there are other alternatives. What are they?

LEGISLATOR TROIANO: That's what I want to see.

MR. LEVY: Mr. Schmitt, I presented them to you Friday, and I have them here in the documents today.

LEGISLATOR TROIANO: I don't think the choice is that we have an ad, a campaign piece paid for by the county taxpayers that threatens to cut this young child's future, because we're going to cut and destroy his present.

So can we see the copies?

CHAIRMAN SCHMITT: What?

LEGISLATOR TROIANO: Can we have copies made of the other choices?

CHAIRMAN SCHMITT: Can we have copies made? And give them to the clerk.

When we get to the actual hearing, Legislator De-Riggi-Whitton, there will be people here from Office of Budget and Management, who will be able to address the issue of using the

2 fund balance and why it is not a feasible idea.

3 Jamie Bogenshutz.

4 MS. BOGENSHUTZ: Good morning. I don't
5 know where to start to express what I am feeling
6 at this very moment. I am shocked that we are
7 here at this place again. My name is Jamie
8 Bogenshutz. I am the executive director of YES
9 Community Counseling Center, a non-profit
10 community based agency that is funded both by the
11 Nassau County Youth Board and the Department of
12 Chemical Dependency, Mental Health, and
13 Developmental Disabilities, both systems which
14 you are proposing to eliminate.

15 I haven't seen most of you this past year
16 because I am doing what I do best; I was running
17 my agency and serving my community, and for that
18 I am grateful. But here I am again today, back
19 to that moment where I am fighting for the
20 survival not only for my agency but for the
21 entire human services system.

22 Anyone who lives in this county is
23 painfully aware of its fiscal outlook. We
24 understand the high cost of living. We
25 understand rising taxes and tax caps, doing more

2 with less, discretionary spending, and red light
3 revenue. We get that. We really do. But how do
4 we make sense of this? How can we get you to
5 understand the profound and devastating effects
6 of what you are proposing today? How do we make
7 you understand the pain, the trauma, the
8 suffering that we tried desperately to respond to
9 each and every day? How do I get you to
10 understand the parent who calls because their
11 child is using prescription drugs or stealing, or
12 lying, or cutting themselves because they don't
13 feel as if they belong in this world? You sit
14 with them, you hold their hands, and you tell
15 them that they are not important or worth it.

16 I am not talking about situations that
17 maybe quickly remedied. I'm talking about the
18 nine year old who witnessed the brutal murder of
19 her younger sister after she was thrown into a
20 wall by her father. I'm talking about the 13
21 year old who is failing every class, and whose
22 father kicked the dog to death to make a point.
23 I'm talking about the 18 year old who was raped
24 at college and had to return home because of the
25 nightmares and her inability to concentrate on

1 anything except for her attacker. I am talking
2 about the 14 year old who brags about his MS-13
3 family and what they do on the streets for fun.
4 I'm talking about the father who beat his wife as
5 she lay frozen in her wheelchair, why her three
6 children watched her helpless. I'm talking about
7 the father who drove away in his car with his son
8 still holding onto the windshield of the moving
9 car. Sadly, I can go on and on. And how don't
10 they matter? How, in all good consciousness, can
11 you allow this to happen? Regardless of your
12 party affiliation, your political beliefs, please
13 explain to me, explain to all of us how has the
14 money or lack of it made it possible to ignore
15 what is truly important in our world.

17 Not that long ago, you all worked
18 together to establish a law that would protect
19 those who need you most. And with great effort,
20 the red light camera fund was created. At that
21 time, you worked in a bipartisan fashion to
22 secure our system, and yet today you are
23 proposing to repeal a law that you established.
24 You speak of a passion towards public service,
25 yet you will be setting in motion the potential

2 to undermine the well being of every community
3 member.

4 CLERK MULLER: Your three minutes have
5 expired.

6 MS. BOGENSHUTZ: I'm almost done.

7 There is great power in strong
8 leadership, and it takes greater leadership to
9 protect the tens of thousands of people who
10 depend upon you to maintain the human services
11 system delivery.

12 No one can forget these decisions, and I
13 trust no one will forget what is happening here
14 this morning. And while you may not see all
15 those that will be affected by your actions, you
16 will know they exist when your schools and your
17 hospitals have no resources to send children and
18 families to, when our jails are overcrowded,
19 overwhelmed, when our churches and synagogues
20 cannot feed or comfort to all those in pain, and
21 when our communities are confronted with gangs,
22 instability and financial chaos, you will be
23 faced with an unprecedented crisis, and efforts
24 to ban synthetic marijuana or enforce drug
25 dealing will have little or no effect because we

2 will not be here to teach prevention or coping
3 skills or treat these people. We will all watch
4 the drug epidemic take more lives. And what is
5 most disheartening is that this can be thwarted.

6 We implore you to do what is right for
7 every resident in this county, together, without
8 any political rhetoric or bantering, but to do
9 what is right for your children, for your
10 neighbors, and for every community; protect the
11 right light camera legislation.

12 I have been a proud resident of this
13 county for my entire life. However, today, I am
14 profoundly saddened that this is the best that we
15 can do. I have always believed that we are all
16 capable of making a difference in the world if we
17 are fair, honest, kind, and compassionate, and
18 maintain our commitment to others. I would
19 implore you to do the same; make a real
20 difference today. If you cannot, today will be
21 the beginning of a very bleak new chapter for
22 everyone who calls Nassau County their home.

23 Thank you.

24 CHAIRMAN SCHMITT: Pat Boyle.

25 MR. BOYLE: Hi. Most of the things have

2 already been said, as far as the technical part
3 of this goes. I kind of want to talk to you a
4 little bit about you.

5 One of the things that everybody does is
6 they all have parts of their jobs that they can't
7 stand doing and that includes all of us. For
8 example, I know Legislator Muscarella, you come
9 to our golf outing every year and you get a
10 chance to see a bunch of tee signs out there and
11 everything else out there; I hate going after
12 those tee signs. I can't stand it. I hate doing
13 it. There are other parts of my job, too, that I
14 really don't like. Thankfully, most of it I do.
15 I would be willing to bet that you, as
16 individuals up there, hate the fact that you have
17 to be able to come after us every single time.
18 As a group of ten and as a group of nine, it's a
19 lot easier to do. But as individuals, I could
20 not look one of you in the face up there and
21 think that you're enjoying doing what you're
22 doing to us right now.

23 What's going to happen on July 1st is
24 something that each and every one of you are
25 going to have to sit down at night and say to

2 yourself, what the heck did I do and why did I
3 have to do it?

4 One of the things that you're doing is
5 you're going to repeal this red light law. This
6 was our only opportunity. And the horse has been
7 beaten dead already; I won't keep going with it.
8 But that was our only opportunity to have a
9 designated stream of funding that would be there
10 for us, year after year, and now you're ripping
11 it right out from under our feet. As a group,
12 ten and nine, it's okay. We have to do what we
13 have to do. As individuals, each one of you
14 looking each one of you in the face, is that what
15 you really want to do?

16 Do you want, on July 1, our children --
17 our children, each and every individual one of
18 you, to have nowhere to go? Just in Elmont
19 alone, 250 kids in a summer program - no, out on
20 the street. Out on the street from 9 a.m. to
21 5:30 p.m. What are you going to do? The young
22 people who we hire for those programs who aren't
23 going to be hired this year, what are you going
24 to do? The 800 kids after that, in after-school
25 programs that you've heard me talk about 10

2 million times, what are they going to do? Which
3 one of their faces are you going to see in your
4 mind that says I did the wrong thing? I repealed
5 this law. I never should have done it. Why did
6 I do that? Think about it. Think about it as
7 individuals. What are we going to do to make it
8 work?

9 Thank you.

10 CHAIRMAN SCHMITT: Legislator Bosworth.

11 LEGISLATOR BOSWORTH: Thank you. Thank
12 you, Mr. Boyle. You say that we've seen you so
13 many times. Actually, when we were in the
14 majority we saw you a lot. Frankly, haven't seen
15 you so much lately.

16 MR. BOYLE: I really wish you didn't
17 bring that up. Here's the bottom line. And I've
18 explained to this to other legislators as well,
19 too.

20 When we received a three percent cut
21 recently, and it's just this year that you
22 haven't seen me, supposedly. I've been here
23 sneaking around. You obviously don't look.

24 LEGISLATOR BOSWORTH: Well, sneaking
25 around is different from getting up and speaking.

2 MR. BOYLE: Here's what. I'm going to
3 tell you what happened. When three percent is
4 being cut from your budget, sometimes you have to
5 sit back and say what about the 200 people that
6 just got laid off. Am I going to look like a
7 fool for asking for three percent more when
8 somebody is coming up here and telling you that
9 they can't pay their mortgage and can't feed
10 their kids? That's not where I'm coming from on
11 these things. And I don't want to justify it by
12 having to do that. But that's why I wasn't here.

13 LEGISLATOR BOSWORTH: Okay. So that's
14 an answer. But I would also like to say that I'm
15 doing the right thing. So when you say am I
16 going to be able to go to sleep at night knowing
17 that I've done the right thing? You can be best
18 well assured that I will.

19 MR. BOYLE: Good. Good.

20 LEGISLATOR BOSWORTH: Because I believe
21 so strongly that whether you're in the majority,
22 whether you're in the minority, we are all here.
23 And if we don't look out for our youth and we
24 don't look at for those who are need, who is
25 going to?

2 One of the things that we are elected to
3 do is to speak out for those who perhaps can't
4 speak out for themselves. And I think we all
5 need to speak about that.

6 MR. BOYLE: I agree with you. And,
7 good, I'm glad you see that. And I'm glad that
8 what I said made you a little bit mad about it,
9 because we gotta get mad. We gotta do something.

10 LEGISLATOR BOSWORTH: I was mad before.
11 But certainly your comments were welcome.

12 CHAIRMAN SCHMITT: Legislator Ford.

13 LEGISLATOR FORD: Pat, it's Denise Ford.
14 And I want to thank you for coming down. I think
15 that you're very eloquent, as always.

16 This is a tough day. You know, and it's
17 not something that any of us are looking forward
18 to at all. But, as you know, I don't like our
19 backs to be against the wall. For all of us,
20 like, everyone -- like, our youth, our seniors,
21 our employees, everybody is very, very important
22 to all of us. But it's been said time and time
23 again that even in the worst of times -- and I
24 sit up here and I don't always agree with even my
25 own side, you know, that -- the side that I sit

1 on. But I have to say, in the nine years that
2 I've been in this office, we've had our
3 disagreements even with the democrats, and, at
4 times it almost bordered sometimes on bloody.
5 But I have to say that when push came to shove,
6 maybe we didn't believe philosophically in some
7 things, we did feel that it was very, very
8 important that we continue with the bonding,
9 especially with the tax certs, just as all of you
10 are here and you're asking us for continue to
11 support and not move the red light camera money
12 out of the dedicated fund and put it into the
13 general fund.
14

15 The reality is that we also have people
16 on the other side that I've received numerous
17 phone calls from residents in my area that are
18 waiting, you know, for their tax refunds. You
19 know, they have won their grievances. They are
20 waiting for this money. There are some that are
21 already being billed by the company that they
22 hired to grieve their assessment. So they may be
23 getting, say, \$5,000, but they now are being told
24 that they have to pay \$2500 to this company, and
25 that company wants their money now. We have

2 small businesses that are also waiting for their
3 money. You know, we're looking at small
4 businesses. Just as we're afraid of our youth
5 agencies going under and not being able to take
6 care of our young people, we're also looking at
7 some small businesses that are also facing
8 closing their doors. People losing their jobs,
9 in whatever services that they are providing to
10 the community.

11 This is a very, very serious bad
12 situation. Even -- and we'll find out later.
13 Even if we do say, you know what? We're going to
14 keep the red light camera money where it is, it
15 still is something that if the lawyers deem --
16 Legislator Nicoletto was trying to explain that.
17 That we have these judgments, that we have these
18 lawyers that are saying they went to court and
19 the judges said you have to pay this \$41 million
20 now and the lawyers can attach -- and we can get
21 this from the experts -- that they can attach
22 these funds. If they do decide that they want
23 to, even if it is a dedicated funding source, to
24 the youth services for the red light camera, they
25 can attach that money as well.

2 So, what we are looking for -- and
3 Legislator Denenberg even said, that behind this
4 \$41 million, there's even more money that we're
5 going to have to come up with bonding. And we're
6 going to have to make sure -- because if we don't
7 bond it and we don't pay it back, it's going to
8 come out from somewhere and it's going to come
9 out from that general fund. Not only will our
10 agencies and all of the services that we have
11 this money to provide for, but we're also looking
12 at a lot more employees losing their jobs. This
13 is the seriousness.

14 We're asking that, in the past, where we
15 have always agreed with the bonding, this is why
16 we're saying that today is very, very key, that
17 we need to have the bonding. We do not want to
18 see any of our youth services, any of our senior
19 services be stopped. But we also want to make
20 sure that our residents get the money that they
21 are owed.

22 But, thank you.

23 CHAIRMAN SCHMITT: Legislator Wink.

24 LEGISLATOR WINK: Good morning. I want
25 to thank the speakers for being here this

2 morning. Let's put this in a little bit of
3 context, if we can.

4 What you're being asked to do today is to
5 pay for overspending on the part of the
6 administration in 2011, not in 2012. In 2011.
7 On March 28 of this year, Comptroller Maragos put
8 out a press release in which he touted the fact
9 that Nassau County was going to end the year with
10 a budgetary surplus. There should have been a
11 huge asterisk at the end of this whole thing. In
12 fact, half way down, Mr. Maragos' press release
13 says the above un-audited results may be impacted
14 by the treatment of \$43.1 million in accrued
15 short-term tax certiorari expenses against the
16 county's capital fund. The administration has
17 represented there is sufficient bond
18 authorization remaining as of the year ending
19 December 31, 2011, with which to issue the bonds
20 that will fund this expense, and the
21 administration intends to request that the County
22 Legislature approve a supplemental appropriation
23 in the amount of the accrual.

24 Long story short, ladies and gentlemen,
25 this administration overspent by \$43 million and

2 they're now asking you to pay for it. Okay?
3 Even if this bonding took place and even if,
4 under the most beneficial of circumstances, NIFA
5 said okay, fine, go forward with it, you are all
6 my witness, we would be here in three month's
7 time, maybe four, maybe it would last until
8 budget hearings in September, but we would be
9 here again not for your cuts to cover 2011, but
10 for your cuts to cover the rest of 2012 and for
11 your cuts to cover 2013. This is a revolving
12 door here. This is a carousel that we're all on.
13 This administration is asking for \$40 million
14 worth of bonding today to avoid cuts; they're
15 going to be asking for it again, and again, and
16 again. So let's be very clear about this. This
17 is not the end; this isn't even the beginning of
18 the end. This is barely the end of the beginning
19 with all of this.

20 We are all going to be facing this. And
21 the first thing we can do to stand up to this is
22 to make sure that revenue stream that we
23 dedicated for these red light cameras remains
24 dedicated for that purpose.

25 MR. BOYLE: If I could just respond to

2 that quickly. With all due respect, which I hate
3 starting out with, the bottom line is we won't be
4 looking at this in 2012 to be able to make up for
5 cuts in 2012, and we won't be looking at this to
6 make up cuts in 2013, because we're not going to
7 be here. The bottom line is we're gone after
8 this. July 1, boom, boom, boom - no more youth
9 board, no more youth programs, no more nothing.
10 I lose an additional \$400,000 on top of the
11 county money because I won't be able to have
12 matching funds to be able to get the other money.
13 Gone. Gone. No more. Wave goodbye. Pat won't
14 be back here again. There's no reason to.
15 Realize that this is it.

16 LEGISLATOR WINK: Pat, my point simply
17 is even if we let this happen today, even if we
18 put the bonding through today, you're going to be
19 facing extinction each and every time this thing
20 comes up.

21 MR. BOYLE: So why would next year be
22 different than this year?

23 LEGISLATOR WINK: Pat, I understand all
24 of that, Pat. But the fact remains that we are
25 in a position right now where we can keep you

2 guys whole, we can keep that funding in place, we
3 can keep that funding dedicated. It doesn't need
4 to come to this. That's the way you survive, not
5 by coming begging for \$40 million worth of
6 borrowing today. And, by the way, there's
7 another \$114 million on this calendar today, as
8 well, in addition to the 40 million.

9 This, unfortunately, is not going to end
10 today, and it's not going to end well, at the
11 rate things are going, if this administration
12 continues to force this issue and to make you
13 guys the scapegoats for it.

14 CHAIRMAN SCHMITT: Legislator Becker.

15 LEGISLATOR BECKER: I don't know if it's
16 worth speaking because the applause consistently
17 goes to the other side of the aisle, by putting
18 the --

19 LEGISLATOR WINK: I didn't realize that
20 we're doing this for the applause, Fran.

21 LEGISLATOR BECKER: Well, I'm talking
22 about the applause of the audience. Sitting up
23 here you see the applause going to the other side
24 of the aisle.

25 I feel it bears repeating once again.

2 The Democrats were in charge eight years, plus
3 two, ten years, and because of their incompetence
4 and the mismanagement of their administration,
5 \$310 million this County is in debt. So what
6 we're trying to do is fix the mess that they left
7 behind.

8 I applaud our county executive for
9 working day and night, balancing the budget, to
10 fix the absolute mess that they left, and, of
11 course, they're working against us each and every
12 step of the way.

13 They hide behind the fact -- well, we
14 want this dedicated fund; I supported that and
15 continue to support that. But there's only one
16 bottom line here, and I wish that all the people
17 in the audience who are applauding so heartedly
18 for them had called their offices day in and day
19 out to try to convince them the bottom line here
20 is if they vote for the bonding, today, tomorrow,
21 whenever we need it, because of the mess they
22 left behind, they vote for the bonding and this
23 all goes away. It absolutely all goes away.

24 The concept that they are trying to sell
25 to you is, oh, you're going to be held hostage

1 each and every time this occurs. It wasn't us
2 that ever said when we were being redistricted by
3 them that, ah, we weren't going to bond for them
4 until we got the districts we wanted. This is
5 the most incredible, disappointing situation I've
6 ever experienced here in the legislature and, in
7 like, politics. When the other side of the aisle
8 says until we get the districts we want or things
9 go the way we want them, we're not providing any
10 bonding for the county. I've never seen politics
11 come into play here as it is on the other side of
12 the aisle. They certainly should be ashamed of
13 themselves. If this occurs and they vote down
14 the bonding, this will be the lowest day in my
15 experience here as a county legislator ever, when
16 we couldn't work together to this point to save
17 the youth agencies.

18
19 When I walk away today, if this bonding
20 doesn't occur -- you may want to applaud against
21 me, boo me as you've booed some of us. The
22 bottom line is it will be their responsibility
23 for not passing the bond and allow us to continue
24 to provide the youth services their money. Boo
25 me, don't applaud me, but that's the bottom line,

2 whether you can accept that fact or not.

3 CHAIRMAN SCHMITT: Joseph Smith.

4 LEGISLATOR DENENBERG: That's really
5 nice.

6 CHAIRMAN SCHMITT: Joe Smith.

7 MR. SMITH: I'm going to keep my remarks
8 rather brief. Most of what needs to be said I
9 think has already been said. These are
10 incredibly -- it's an incredible tragedy that
11 we're facing with this situation here.

12 Back in 2009, this legislature acted
13 boldly and came up with a creative solution to
14 what has been an historic aberration, that is
15 considering the vital services for youth and
16 seniors, people suffering from drug and alcohol
17 dependency, people suffering with mental illness,
18 treating them as discretionary, as throw-aways.
19 This legislature came up with a creative solution
20 to that, creating a designated stream of funds
21 that would protect those services in good times
22 and bad, that would protect those services and
23 ensure that they were not considered
24 discretionary.

25 You made a decision then that you would

1 prioritize these services, that you would
2 prioritize those values, the values that make
3 Nassau County the great place that it once was.
4 And so today we're looking at an abdication of
5 that, an elimination of that both solution
6 because we are facing difficult times. But that
7 was the very purpose, that was the very purpose
8 behind your decision to make this a designated
9 stream of revenue. So I have only a couple of
10 questions.
11

12 One. If it was a good solution then, why
13 isn't it a good solution now? Why, if it was the
14 creative solution then, why should it be
15 abandoned today?

16 You have a choice to make; you can
17 continue to prioritize the values that you
18 prioritized in 2009, you can say, you know what?
19 This is the one sector -- what other sector in
20 this county has taken itself off the general fund
21 entirely, entirely?

22 The red light camera money was intended
23 to make up for losses, to prevent cuts. In
24 reality, it has replaced what was general fund
25 revenue that was provided to support these

1 programs. I'm going to use the figure of
2 approximately \$15 million. That was there before
3 red light camera revenue, provided through
4 general fund revenue. That was taken away. That
5 general fund revenue that had been used to
6 support these programs has been used each year
7 subsequently to underwrite other costs in Nassau
8 County. So, our sector, the human services
9 sector has --

11 FEMALE VOICE: Your three minutes are
12 up.

13 MR. SMITH: always contributed \$15
14 million a year toward the county's financial
15 position. Now we're being told that we're going
16 to take the replacement money, the dedicated
17 stream of funds that you so boldly earmarked for
18 this purpose, and we're going to take that away
19 as well. What other sector has had that occur?
20 So that's the next question.

21 The final question is this. And I ask
22 this question of Mr. Schmitt and I ask this
23 question of Mr. Abrahams. Is this doomsday? And
24 each of them, individually, separately, said yes,
25 this is doomsday. And so my last question is

2 this. If each of you, who have been elected by
3 the people of Nassau County to represent their
4 wishes, to represent their well being, to be the
5 leaders, to make the bold decisions. If this is
6 facing doomsday, how do you leave this room
7 without a solution that prevents it? That's my
8 last question.

9 CHAIRMAN SCHMITT: Legislator Ford.

10 LEGISLATOR FORD: Joe. Joe Smith. You
11 can see me over here. You're right. How do we
12 leave here with this type of doomsday scenario?

13 I think -- and a lot of times I hear
14 people call out from the audience that we should
15 all work together, both sides. We are, without a
16 doubt, divided very politically up here. I have
17 said time and time again that I am willing to
18 meet with anyone, to meet with anybody. I've
19 extended an invitation to those on the other
20 side, that we do try to move away from our
21 political sides and really, truly work on the
22 governmental sides. That, to see whether or not
23 we need a core group of us to sit together, on
24 both sides, republicans and democrats, to really
25 truly say what do we need to do? How do we

1 achieve to be able to keep this county running,
2 to keep all of the services being offered, and
3 maybe just without having political leaders
4 breathing down our necks, to be able to say what
5 really is the best answer to all of this? Maybe
6 we need to look at this and maybe to work with
7 the county executive quietly to say what
8 information do we need? What's being withheld
9 from us and how can we keep this from being a
10 doomsday today?

11
12 For me, I think that we really have to
13 move away from our comfortable selves and get
14 into an uncomfortable situation and finally say
15 if we all can't work together, then we might as
16 well let everything fail.

17 But, I thank you.

18 CHAIRMAN SCHMITT: Legislator Denenberg.

19 LEGISLATOR DENENBERG: Joe. Joe. Mr.
20 Smith, just stay there. To answer your question,
21 it was doomsday in 2009, just like its doomsday
22 now. That source of revenue, the red light
23 camera revenue, was dedicated in a bipartisan
24 way, when I was in the majority, to the youth
25 board agencies, to hold them whole at that time

2 and to never have to do what you're doing today
3 again. So my answer when it was doomsday was you
4 deserve that funding. Even before today, you've
5 said it - that funding was supposed to not just
6 hold you whole, but to go to avoid those cuts.
7 There's never been an accounting. The red light
8 camera money has been totally dedicated now,
9 without even this legislator speaking, despite
10 the legislation, as the only source of revenue
11 for the contract agencies. And it's more than 15
12 million, so it hasn't even been a fair
13 accounting. Now it's being taken away.

14 So, the answer was, when it was doomsday,
15 that funding was there for you. And even before
16 this vote that money has been allusive, in terms
17 of what the agencies should have been getting.
18 And instead of the county saying thank you for
19 saying nothing, thank you for being happy with
20 just the 15 million and letting us use the rest
21 of the revenue from the red light camera for the
22 general fund, even that's being taken away. So
23 you had one answer in 09, created during
24 doomsday, and now the answer apparently is take
25 it away. But that's the wrong answer. You

2 deserve that money, period.

3 CHAIRMAN SCHMITT: Legislator Ford has a
4 response.

5 LEGISLATOR FORD: My response actually
6 would be to Legislator Denenberg. Dave, you
7 bring up a lot of important things, especially
8 with 2009, at that time, when we all worked
9 together. I would say to you that not only when
10 you think about the agencies and the services,
11 but we're also looking at because of the money
12 and judgments that are going to be held against
13 the county, that there's a possibility of
14 furloughing a lot of our CSEA members. Many
15 today, when I was driving to work in this
16 horrendous weather, in the storm, the rain just
17 coming down, I happened to see a number of the
18 employees working along Lido Boulevard. With the
19 rain pouring down on them, they were cutting the
20 grass and they were cleaning up debris. To me,
21 when I look at their devotion and their
22 dedication to working for this county, I think
23 that we also have to take a look at them and
24 remember that they, too, also need our support.

25 And I would say to you then, also, that

2 maybe today, if we can meet and say for the
3 bonding today, to, like, keep this going, and
4 that I would be willing to meet with you and
5 anyone else every single day until we could come
6 up with a compromise so that we are never in this
7 political partisan business again, and that we
8 make sure that we always work together and we
9 never have this scenario again.

10 I ask you, Dave -- David --

11 LEGISLATOR DENENBERG: I'm glad they're
12 clapping for you. But you're about to vote
13 against them. I think that's great. I'm voting
14 with you guys. I'm not voting --

15 LEGISLATOR FORD: David, look at me.

16 LEGISLATOR DENENBERG: that we can open
17 up union contracts --

18 LEGISLATOR FORD: David, I'm looking at
19 you. Why don't --

20 LEGISLATOR DENENBERG: and borrowing
21 money is --

22 LEGISLATOR FORD: look at me?

23 LEGISLATOR DENENBERG: not revenue.

24 NIFA wants to see 150 million --

25 CHAIRMAN SCHMITT: Mr. Denenberg, you're

2 out of order.

3 LEGISLATOR DENENBERG: in cuts.

4 LEGISLATOR FORD: But NIFA didn't say
5 anything, even with the tax certs. It's my
6 understanding that they may also support the
7 bonding for the tax certs.

8 Regardless, David, even if we do, say,
9 for argument's sake, we do keep the dedicated
10 funds within the red light camera money. Is
11 there a guarantee that the lawyers and the judges
12 are not going to go after that money and then
13 freeze that money as well? When you talk about
14 \$41 million now -- how can you say, because you
15 know that there are residents in your area that
16 are waiting for their tax refunds. How is it,
17 then -- when you also say there's \$400 million
18 more that we're going to have to pay back. And
19 if we don't bond that, what are we going to do,
20 take 25 percent out of the budget of Nassau
21 County and pay all that back because we're afraid
22 to bond?

23 LEGISLATOR DENENBERG: No. You stick
24 with what -- the word was that you were going to
25 reform the assessment system. What happened to

2 that?

3 LEGISLATOR FORD: It is being reformed.

4 LEGISLATOR DENENBERG: Oh, come on. You
5 took a system where we were paying --

6 CHAIRMAN SCHMITT: Mr. Denenberg.

7 LEGISLATOR DENENBERG: \$50 million a
8 year as you go.

9 LEGISLATOR FORD: They're working on the
10 backlog.

11 LEGISLATOR DENENBERG: Fifty million a
12 year as you go. You took that out of the budget
13 and you didn't give it to anyone. You didn't
14 give it to anyone. You just squandered it.

15 CHAIRMAN SCHMITT: That's not the issue.

16 LEGISLATOR DENENBERG: There was \$50
17 million a year, pay-as-you-go. Residents never
18 waited for refunds until County Executive
19 Mangano's term. You took \$50 million out of the
20 budget and you want to borrow it. NIFA said
21 they're not letting you borrow, period. They
22 just said it. You must've missed the meeting on
23 Wednesday.

24 CHAIRMAN SCHMITT: No, no, no.

25 LEGISLATOR FORD: Once again I say to

2 you, I will meet with you. I will work with any
3 of you to try to come up with a compromise and to
4 keep everything working.

5 LEGISLATOR DENENBERG: Then don't vote
6 today to take the money away.

7 CHAIRMAN SCHMITT: Don't be putting
8 words into or your interpretations into NIFA's
9 actions.

10 LEGISLATOR DENENBERG: NIFA said that if
11 the administration hasn't come up with 150
12 million in savings --

13 CHAIRMAN SCHMITT: If this bonding
14 passes to clear up the backlog that was created
15 under the former county executive and the former
16 majority, this all goes away. Period. It's that
17 simple.

18 LEGISLATOR DENENBERG: First of all, if
19 you looked at any of the settlements that you
20 guys are going to vote for -- and I beg you not
21 to. Every one of these settlements still leaves
22 the last two years of challenges outstanding. So
23 it's a revolving line of credit for those
24 commercial businesses that are petitioning
25 against the county. What different issue? It

2 means that you're going to keep coming back,
3 again, and again, and again and holding our
4 workers and our youth agencies, and our health
5 and human service agencies hostage.

6 CHAIRMAN SCHMITT: You keep coming up
7 with more reasons --

8 LEGISLATOR DENENBERG: That's not
9 solving the problem.

10 CHAIRMAN SCHMITT: to sit and do nothing
11 while this county sinks.

12 LEGISLATOR DENENBERG: Borrowing is not
13 revenue, never was and never will be.

14 CHAIRMAN SCHMITT: Linda Diorio.

15 MS. DIORIO: My name is Linda Diorio,
16 and I live in Farmingdale, and I'm here to share
17 my own personal experience.

18 Four years ago I lost my 19 year old son
19 Eric tragically as a result of his drug
20 addiction. I was a shattered shell of a person
21 as a result. I am grateful that I had the
22 resources of YES available to me as I attempted
23 to put the pieces of my life back together.
24 Although I had insurance, my coverage provided no
25 benefit for counseling. I was financially

2 strapped, and YES worked with me so I could
3 afford the services I so desperately needed. It
4 is devastating for a parent to have to bury a
5 child and I could not have properly begun to have
6 dealt with my grief without professional
7 guidance.

8 We are here today as you are considering
9 cutting the funding for the human services
10 agencies who, in turn, support the various
11 community agencies such as YES. If you cut the
12 funding for the county agencies, you would, in
13 essence, be crippling the ability of them to --
14 of the agencies they fund to function
15 effectively.

16 We are in the midst of an overwhelming
17 drug crisis that is destroying families,
18 increasing crime, and killing our young. The
19 counseling centers serve a vital role in this
20 battle. They provide services that begin to
21 guide the addict toward recovery, support the
22 families in crisis, and they actively reach out
23 to educate the community and students on
24 awareness and prevention.

25 I personally have been involved with YES

2 on many occasions, as we go to schools for
3 patient and student forums specifically geared
4 toward drug education. More often than not, the
5 community agencies are the only place to go, be
6 it for the uninsured or even for those with
7 insurance as a multitude of plans provide
8 inadequate coverage for the treatment of
9 substance abuse.

10 The day my son died, hope for his
11 recovery died with him. If the agencies lose
12 this funding, they will have to further curtail
13 or eliminate the program for addiction, and that
14 hope for recovery that other families hold onto
15 will be directly impacted.

16 Thank you.

17 CHAIRMAN SCHMITT: Thank you.

18 Dorothy Zimarto.

19 MS. ZIMARTO: Good morning. My name is
20 Dorothy Zimarto. I'm currently a resident of
21 Massapequa. I've been there for over 20 years.
22 And it was an attraction to reside in Nassau in
23 Massapequa because of the services for children.
24 I've been utilizing their services for many
25 years.

1
2 I'm currently a single mother with four
3 children, and one of my children is diagnosed
4 with autism. As a single parent, it's been very
5 difficult to provide support, financial and
6 emotional, for my children. The youth services
7 organizations available have been tremendous in
8 that support.

9 We recently experienced a family crisis
10 this past year. And the community programs that
11 are out there have been vital to ensure my
12 children's stability, physically, mentally,
13 morally, and spiritually. Without that, I would
14 not be able to raise those children as I am.

15 I am pleading for you to please think
16 about what you're voting on coming forward, as a
17 parent, uncle, aunt, whatever it may be. The
18 importance of keeping our children stable and
19 healthy. Our children of today are going to be
20 the adults or tomorrow. They need stability.
21 They need supports as they grow and mature
22 forward.

23 Children these days face so many
24 difficulties in terms of growing up, with peer
25 pressure, drugs, alcohol, all those evils that

1 are out there constantly in their faces. They
2 need to know they have somewhere to go for help,
3 for support, for guidance, especially education.
4 Education is the strong arm right now. These
5 community services reach out to parents, single
6 parents, full families. They provide the support
7 in the schools.
8

9 I'm very fortunate to have these
10 services, and I need them to continue.

11 Thank you.

12 CHAIRMAN SCHMITT: Thank you.

13 Lori Andrade.

14 MS. ANDRADE: I'm Lori Andrade from the
15 Health and Welfare Council of Long Island. We're
16 the umbrella organization for all health and
17 human service organizations in Nassau and Suffolk
18 Counties.

19 Over the past years, health and human
20 service organizations have been standing before
21 you requesting not only prompt contracting and
22 prompt payment, but planning to ensure that
23 services for those most vulnerable in this county
24 are available. At the same time, we have
25 encouraged appropriate planning to ensure the

2 critical provision of services knowing the
3 financial crisis that the county has been facing
4 for the past year. We offered to be a part of
5 that discussion.

6 We agreed that there would be need for
7 shared sacrifices at every level; we do not deny
8 that. But we urge you to include us in this
9 process so that we can maintain a safety net of
10 services for those we serve.

11 We are talking about a population that is
12 growing and will continue to grow, given the
13 economic condition in Nassau County and
14 throughout New York. It is a population that
15 needs a safety net, one with both in-government
16 and outside of government, both functioning and
17 staffed appropriately, whether they are reaching
18 services for mental health or child protective
19 services. There needs to be staff and programs
20 to support their needs. Cutting from one is the
21 same as cutting from the other because it
22 overstresses what remains and puts the entire
23 system at risk.

24 Taxpayers are paying their bills and they
25 expect the services that they pay for. If there

2 was a road construction, would the county just
3 decide to stop the road construction and abandon
4 the site? It's the same with the contracts now.
5 The county needs to plan and notify agencies so
6 they can plan appropriately as well.

7 While it is not our job to tell
8 government how to do its job, this seems to be an
9 appropriate time to remind government what part
10 of its job is, and that is to provide a safety
11 net for its residents. Please do figure out how
12 to do that.

13 CHAIRMAN SCHMITT: Thank you. Linda
14 Leonard.

15 MS. LEONARD: It's now the afternoon.
16 I'm the director of Long Island Crisis Center.
17 We are Nassau County's only 24-hour, seven day a
18 week crisis intervention and suicide prevention
19 center. We're funded by the Nassau County Youth
20 Board, but we serve every citizen in Nassau
21 County. We handle over 10,000 crisis calls a
22 year. The bottom line is we save lives.

23 I am imploring you today - I'm saying the
24 same as my colleagues before me - do not decimate
25 a system. Do not decimate a system that has

2 taken over 45 years to build. The system is cost
3 effective. The county gets an incredible bang
4 for its buck with this system. And because this
5 system exists, agencies are able to leverage
6 millions of other dollars that come into this
7 county. My agency alone has half a million
8 dollars in state money for HIV prevention and
9 \$100,000 in federal money for runaway youth. It
10 all goes away if you decimate this system.

11 In addition, another area of being cost
12 effective is we use volunteers. We have 180
13 volunteers providing this cost-effective system,
14 and half a million dollars of in-kind
15 contributions. And if you decimate this system,
16 it all goes away and you're not going to get it
17 back again. It will take decades to rebuild what
18 you can blow away in one small vote. Then what
19 happens? Who is going to be there at 3 a.m. for
20 the suicidal teen who calls our hotline and wants
21 to kill herself because she is being bullied in
22 school? Are you going to be there? Who is going
23 to pick up the kid who has been thrown away and
24 is on the street at three o'clock in the morning
25 and bring them to safe shelter? Is that

2 something you guys are going to do? Of course
3 not. That's what we do.

4 You can prevent this. We're asking you
5 to not let this happen. Find a way to not let
6 this happen.

7 Thank you.

8 CHAIRMAN SCHMITT: Thank you.

9 Carol Waldman.

10 MS. WALDMAN: Good morning. Thank you
11 very much for letting senior services take part
12 in this conversation as well. My name is Carol
13 Waldman. I'm a member of the Nassau County
14 Senior Service Providers Coalition. And although
15 we represent many agencies on aging and serve
16 thousands of seniors in each of your districts,
17 as republicans and democrats, we come today with
18 one voice. To all 19 legislators we say this:
19 Please do not go down in history as the
20 legislature that shook this great foundation of a
21 county to its core and devastate its future.

22 A society is not judged on whether or not
23 it bonds or redistricts, but, rather, and quite
24 simply, on how it treats its youths and its
25 elderly, two vulnerable but significant segments

2 of our population that deserve your attention,
3 your compassion, and your respect.

4 You say that you want to attract young
5 people to the county and assure them a secure
6 future, and yet you are considering voting on
7 cutting funding for youth programs. You know
8 that it's almost every older person's hope,
9 perhaps yours and your parents, to remain in this
10 county and age in place -- yet, you may deny them
11 the very resources to do that -- in a county that
12 they built so that you could have a good life.
13 Something is wrong with this picture practically,
14 ethically, and morally.

15 Don't try to fix one mistake with taxes
16 by creating another mistake that will have a far
17 greater cost and ask us to bear a much greater
18 burden. So many of our youth and seniors are
19 already at risk. Cutting social service funding
20 will only increase those numbers dramatically,
21 adding to the crime rate and the number of people
22 who will go hungry on every level.

23 If there are any other options, any way
24 that you can find to not cut human services,
25 explore them. If there is a reserve fund, use

2 it. After all, this is a rainy day.

3 I am asking the Aging Committee,
4 comprised of Chairman Joseph Belesi, Legislator
5 Rose Walker, Wayne Wink, Judi Bosworth, Carrie
6 Solages, Frances Becker, and Vincent Scalara, to
7 lead the charge because you know the invaluable
8 work being done on behalf of seniors citizens
9 through the tremendous support of our
10 Commissioner, Lisa Murphy's department, and the
11 impact that our services have on health and well
12 being, not just of senior but of entire
13 communities.

14 Lead the charge and encourage everyone to
15 vote not as one republican block, not as one
16 democratic block, but as one legislature on
17 behalf of people, young and old, that you were
18 elected to represent and make us proud once again
19 to be residents of Nassau County.

20 Thank you.

21 CHAIRMAN SCHMITT: Thank you.

22 Pamela Clark.

23 MS. CLARK: Good afternoon. I do not
24 see the needs and values of seniors and youth as
25 being discretionary. I see them as very

2 important to our society.

3 The sole purpose of government is to
4 protect and defend the people and to represent
5 them. You were all elected to represent the
6 people of this county, not just the rich and
7 powerful, not just the views of one political
8 party, but all people. Our government has worked
9 because it has followed this mandate and people
10 of opposing views have negotiated, mediated, and
11 found solutions that provide for those who can
12 help themselves as well as those who cannot help
13 themselves. That is not what's happening here.

14 The polarization, bullying and threats
15 that are being voiced do not represent the needs
16 of the majority of the people in the county. The
17 most vulnerable and frail, those least able to
18 speak out for themselves are being
19 disenfranchised.

20 The senior population in Nassau County is
21 growing annually. These are the people who built
22 Nassau County, worked here, paid taxes here
23 throughout their lives. Their only problem is
24 they happened to live too long during periods of
25 real economic severity. I don't see that as a

2 reason to eliminate them from getting the
3 benefits that they need.

4 They're being threatened with loss of
5 services that are necessary to their survival.
6 They are being prevented from accessing services
7 that allow them to age at home with dignity,
8 maintaining their independence for as long as
9 they safely can do so. If they lose these
10 services some will die, some will exhaust the
11 resources of their adult children, most of whom
12 are raising their own children, and some will be
13 forced into nursing home and care facilities,
14 which will cost the county more than the services
15 than we provide.

16 I'm a senior. I live in Merrick. I'm
17 also director of the senior team of services at
18 Family and Children Association, and I'm a member
19 of the Senior Coalition, the Coalition of Senior
20 Service Providers.

21 We can't deny these people their
22 independence, their dignity, and their contacts
23 with their community. Cutting the services to
24 the youth of this county will abandon those that
25 are the future of the county. They will lose

2 access to supportive services and counseling,
3 shelter, education, family support, the list goes
4 on and on. Family and Children's Association
5 recently had to close both its mental health
6 facilities, which served over 600 people, and had
7 been there for many, many, many years. I used to
8 be director of one of them.

9 Many of the youth will end up dropping
10 out of school, many will end up running in gangs,
11 many will end up in court systems and possibly
12 jail, which will also cost more than providing
13 services at home and in community centers. Many
14 families will buckle under the pressures of
15 trying to cope with these.

16 State, county, and -- if everyone would
17 just work together, unify to bring the most
18 powerful and -- I lost my place here. If all of
19 you would just sit down together and negotiate,
20 mediate, and work together to provide services to
21 maintain the quality of life in this County, I
22 cannot imagine -- I know that many corporations
23 you're trying to lure into this county to help
24 with the financial crisis. Who would want to
25 bring their families here when they see that all

2 of the services that would be there for families
3 and elderly are going to be decimated?

4 CLERK MULLER: Your three minutes have
5 expired.

6 MS. CLARK: Please return to your
7 offices determined to find a way to work together
8 and protect those who look to you for assistance.
9 Many of them or their parents or children voted
10 for you. You owe them something.

11 And I was reminded this morning as I was
12 driving down here that almost 11 years ago the
13 entire county, state, world, and national
14 governments united in a time of crisis. I don't
15 think that this one is any bigger than that one
16 was. And yet when I was driving to work with the
17 Red Cross in Manhattan, which I did for many
18 nights, I drove along Northern Boulevard and it
19 was lined with people of all ages, all sizes,
20 little children, elderly people, every race,
21 ethnic, cultural unity that you could have in
22 this area, and they were all holding candles and
23 they were all paying tribute to those that were
24 working -- it was the only avenue into the City
25 at that time -- that were going into the City to

2 help, to those who had been lost, to those who
3 were grieving the losses. I think you cannot
4 replicate something like that by eliminating all
5 the services here.

6 Thank you for your time.

7 CHAIRMAN SCHMITT: Tom Bruno.

8 MR. BRUNO: Good morning. I come here
9 again today to ask you all just to consider
10 what's going to happen today. We, as a group,
11 have built a premier youth service system in this
12 County. There are thousands and thousands and
13 thousands of young people who go to after-school
14 programs, who go to after-school recreation
15 programs who are going to be on the streets.
16 Think about this. Our courts, our police, our
17 jails are going to be flooded with these young
18 people who are looking for something positive in
19 their lives.

20 When I first started this stuff back in
21 the 70's, my main goal was to give out bats and
22 balls to the kids in Hicksville. Over the years,
23 what I am doing now, I never would have imagined
24 I am doing today. I would have never thought
25 about having people come to my place looking for

2 food, looking for shelter, thinking about ending
3 their own lives. We are talking about dealing
4 with the elimination of our most natural resource
5 - our young people.

6 Please, work together today. I know you
7 can do this for us. Not for us, for this County.
8 Do what you all can to make this work. This
9 system is invaluable.

10 Thank you very much.

11 CHAIRMAN SCHMITT: Legislator Kopel.

12 LEGISLATOR KOPEL: Thank you, Presiding
13 Officer.

14 You know I'm sitting here and listening
15 to speaker after speaker come up here and tell us
16 why we ought not to do something to decimate
17 youth services or the other very, very important
18 services that we all know we need. And it seems
19 to me that -- at least in that particular aspect,
20 you're just preaching to the choir. There's not
21 a single person on this dais, not one, who think
22 it's a good idea to cut services. Not one.

23 We're all talking about dedicated funds,
24 and money is fungible. It's like water. It goes
25 where there's a vacuum. And if there is a

2 vacuum, in other words, if you take this money
3 away from one place, if you block off a certain
4 source of money, when there's a vacuum -- and
5 we've got a vacuum right now in terms of the
6 possibility of people actually attaching county
7 funds -- money will come from somewhere else. It
8 will. It has to. It's just a natural force. It
9 flows.

10 Now, what we're really saying is don't
11 cut Area A. What we're saying is then go cut
12 Area B. What are the Area B that we should cut?
13 I'm asking the other side. That's number one.

14 There are only several ways of resolving
15 this kind of problem - either we go ahead and cut
16 Area B, C, and D, identify them, or we go ahead
17 and do this bonding here. And, by the way, I am
18 no fan of bonding. The only reason that I would
19 ever vote for this is the assurance and the hope
20 that we are actively working towards and end of
21 bonding in the next two years or so. So we can
22 either cut more, or we can bond it right now, or,
23 three, we can raise taxes.

24 We're faced with a menu of really bad
25 choices. We're faced with a really bad menu.

2 And we've decided, at least on this side, that
3 perhaps the least bad choice for today is to do
4 this bonding. It's not a good choice. It's a
5 bad choice. But it's the least bad choice.

6 To go ahead and raise taxes, it's another
7 very bad situation. People talk about what they
8 see driving up here. I see, when I drive around,
9 empty stores and for rent signs on buildings all
10 over the place. We can't raise taxes. It just
11 won't work anymore. And that's on businesses.
12 Homeowners are suffering. All of you know it.
13 Every one of you knows it.

14 So, I'm just going to end with this plea
15 to the other side, to the Democrats on this dais.
16 Consider. We've got a menu of bad choices. Just
17 simply saying, we've got to do this, we've got to
18 maintain youth services, we've got to maintain
19 this, that, and the other, then go ahead and
20 maintain it. Because we've got these bad
21 choices. And if you don't want to maintain it,
22 tell us what the other bad choices that you would
23 do, because I can't figure it out.

24 Thank you.

25 CHAIRMAN SCHMITT: Arlene O'Dell.

MS. O'DELL: Good afternoon. Thank you for giving me this opportunity to speak. My name is Arlene O'Dell, and I am the executive director of the City of Glen Cove Youth Bureau and a member of the Nassau County Coalition for Youth Service Agencies. I stand here today with my colleagues from the Youth Coalition and the Senior Coalition to ask you to put aside your party lines and do the right thing for the residents of Nassau County, the people who voted you into office.

I cannot believe that the majority of people in Nassau County would not want to see services for youths and seniors continue in the county they reside in.

The Glen Cove Youth Bureau sees over 300 youth a day in after-school and summer programs. The scope of the work the Glen Cove Youth Bureau does with youth and their families range from academic enrichment programs, mentoring, youth employment, community service learning projects, youth leadership, activities geared to enriching and enhancing life, and family service assistance.

1 The Glen Cove Youth Bureau receives
2 funding from the county, the City of Glen Cove,
3 the state and private funds to help with the work
4 we do. If the county did not support us, it
5 would be difficult to leverage the other funding
6 sources. What that means is the Glen Cove Youth
7 Bureau would not be able to work with over 300
8 youth and their families a day. Think about
9 this; where would these youth go after school and
10 during the summer? How could their parents work
11 if they could not afford child care? How many
12 families will need to go on public assistance
13 because there are no youth programs for their
14 children to attend while they work? What about
15 all the staff employed by the agency? They no
16 longer will have an income, they will no longer
17 support the economy, and they may no longer live
18 in Nassau County.

19 I am aware that you have heard all of
20 this before. And, honestly, we are as tired of
21 saying it as you are of hearing it. The red
22 light camera fund was established so we would not
23 have to stand before you month after month
24 begging for funding.
25

1 Many of you voted to make this law, and
2 the republicans assured that a separate fund was
3 established -- as established by law, was
4 actually set up. And now you want to do away
5 with the red light camera funding to youth,
6 seniors, mental health, and vets, after we were
7 asked to fight for the cameras and in return the
8 revenue would ensure that we would not receive
9 cuts and be seen as discretionary. Are we not to
10 believe what our legislators promise us?
11

12 Again, I ask you today to do what is best
13 for the people you are serving, especially those
14 that are most vulnerable.

15 CHAIRMAN SCHMITT: Thank you.

16 George Siberon.

17 MR. SIBERON: Good afternoon. I'm
18 George Siberon. I'm the executive director of
19 the Hempstead Hispanic Civic Association. At
20 another time I was the executive director of the
21 Nassau County Youth Board. I have been before
22 this legislature on other times, in better times,
23 to ask and to work with you to bring additional
24 funding to the youth board. It was during the
25 time in which I was executive director of the

2 Nassau County Youth Board where almost a million
3 additional dollars were put into the youth board
4 to deal with the very serious issue of gangs.

5 We understand -- or I do -- that we're
6 also preaching to the chorus when it comes to
7 youth services. I am not -- do not feel that
8 there is anybody in this legislature who is
9 opposed to youth services. I understand that.

10 In 2009, in leaner times, in more
11 difficult times, the Youth Board Coalition was
12 asked to go to Albany and advocate on behalf of
13 this county, to bring in the red light cameras.
14 We did that. We went to Albany in a snowstorm,
15 with some of my colleagues, including a dearly
16 departed Jim Hartnett, and we spoke to the
17 legislators in Albany. It was done with a very
18 clearly understanding that the funding that would
19 come from the red light cameras be dedicated
20 specifically to youth services and other human
21 services. That was a compact that we made with
22 all of the legislators here. It was an agreement
23 that we would take youth services and others and
24 not have it be at some point put into jeopardy
25 based on whether or not we had funding in the

2 county. That compact now, today, is being talked
3 about, eliminated that compact. Where is the
4 money then going to come from the county to fund
5 our programs?

6 We have 48, 48 community-based
7 organizations providing vital services to the
8 youth in our community. You also have heard that
9 we use the money from the county for youth
10 services and we leverage that funding to get
11 millions of additional monies. What is going to
12 happen to our children?

13 We understand, or at least I do, that
14 there are some very critical decisions that you
15 have to make, and that there are two ways of
16 looking at it, from both sides of the aisle.
17 What we're requesting is that you take off the
18 notion that you're going to repeal the law that
19 you passed for dedicating the money from red
20 light cameras to the youth board and other human
21 services programs.

22 Thank you.

23 CHAIRMAN SCHMITT: Peter Levy. Peter
24 Levy?

25 (No verbal response.)

2 Carol O'Neill.

3 MS. O'NEILL: It's no longer morning.
4 Good afternoon. My name is Carol O'Neill, and
5 I'm a member of the Senior Services Coalition.
6 I've been a provider of senior services for over
7 25 years and I've seen it all.

8 I've stood before this body many times
9 and have advocated for services for seniors.
10 This time, if you've heard before, some of us are
11 advocating for seniors and youth. Why is that?
12 That's because that's two ends of the spectrum.
13 The seniors, as other people have said before,
14 have built Nassau County. They made it what it
15 is today. They lived longer than anyone expected
16 to and they pay more taxes than anyone. They
17 also are very, very respectful of children. They
18 love children. They don't want to see programs
19 for children demolished because they realize that
20 children are our future. So you're looking at
21 two populations - the people who built Nassau
22 County and the people we're counting on to make
23 Nassau County a great county once again.

24 So I'm asking you or letting you know
25 that the Senior Service Providers Coalition is

2 opposed to two things. We're opposed to any cuts
3 to senior and youth programs, and that includes
4 mental health programs as well, and we oppose any
5 efforts to redirect the revenue from the red
6 light cameras from contract social service
7 agencies.

8 There are over 286,000 seniors, people
9 over the age of 60 who live in Nassau County;
10 many of them are here today, and I'd like some of
11 them to stand up. Would the seniors please stand
12 up? They came through the monsoon. They walked
13 through the water with their walkers and their
14 canes and they came here because they wanted to
15 see you all. They wanted to see their
16 legislators in action. They wanted to hear what
17 you had to say above protecting their services.
18 They also represent 20 percent of the population.
19 This 20 percent of the population votes.

20 Thirty percent of all households in
21 Nassau County are caring for an aging family
22 member. So it doesn't matter if you're above 60
23 or under 60, you're being affected by the age
24 differential.

25 Right now there are senior citizens who

2 are on waiting lists for Meals on Wheels and to
3 get ISIP home care services. What will happen if
4 the money from the red light camera is no longer
5 directed to fund our programs? What will happen
6 when \$40,000 is cut from the budget? I want to
7 give everyone just a little bit of a history
8 lesson.

9 In 2008, there were drastic cuts to
10 senior programs. It threatened the lives - yes,
11 threatened the lives - of senior citizens most in
12 need of these services. These are the ones who
13 are 85 and older. They're minority seniors with
14 very, very, very severe health conditions.
15 They're seniors who live alone; they can no
16 longer shop, cook, or prepare meals for
17 themselves. When funding for Nassau County
18 senior centers was cut, seniors came in and we
19 were directing them to -- you're entitled to come
20 into the center; we can no longer provide
21 transportation for you. You can bring in a
22 sandwich and you can enjoy the activities. It
23 broke our hearts. It broke our hearts.

24 We also turned back vehicles because we
25 had no money for the insurance, no money for the

2 gas to transport people, and we laid off a lot of
3 people, many of them single parents, very low
4 income people. It was a disaster. The only
5 thing that bailed us out at that time was the ARA
6 money --

7 CLERK MULLER: Your three minutes have
8 expired.

9 MS. O'NEILL: from the federal
10 government, the American Recovery Reinvestment
11 Act of 2009. It's not there anymore. There's no
12 one left to bail us out. Today, there are more
13 older adults in Nassau County than in 2008. At
14 the same time, funding has decreased.

15 The human toll of eliminating or cutting
16 services would be devastating to the thousands of
17 seniors citizens who have already suffered the
18 loss of their health, their income, their family
19 and their friends.

20 CLERK MULLER: Your three minutes have
21 expired.

22 MS. O'NEILL: Okay. May is Senior
23 Citizens Month, but there is no joy in Nassau
24 County because of the proposed cuts.

25 As legislators you visited our senior

2 centers, you road along on the Meals on Wheels
3 run, you've also gone to graduations for at-risk
4 youth; these were photo opportunities. I'd like
5 you to remember that these are no photo
6 opportunities. They are real people, and real
7 people get hurt when their vital services are
8 cut.

9 Without your help, vital and life
10 sustaining services will be cut by millions of
11 dollars. You know the need is great. You know
12 the time is now to prevent waiting lists for
13 Meals on Wheels.

14 CHAIRMAN SCHMITT: Thank you.

15 MS. O'NEILL: To keep at-risk youth off
16 the streets and --

17 CHAIRMAN SCHMITT: You have to wrap it
18 up, ma'am. Your three minutes --

19 MS. O'NEILL: in school.

20 CHAIRMAN SCHMITT: has expired.

21 MS. O'NEILL: Thank you very much for
22 listening to me.

23 CHAIRMAN SCHMITT: Thank you.

24 MS. O'NEILL: And I hope that when you
25 vote you can remember a picture of your mother or

2 your grandmother and ask them what they would do
3 in this situation. Thank you.

4 CHAIRMAN SCHMITT: Margarita Grosing of
5 Rockville Centre, Baldwin.

6 MS. GROSING: Did you get it right?

7 CHAIRMAN SCHMITT: I tried.

8 MS. GROSING: Margarita.

9 CHAIRMAN SCHMITT: Margarita.

10 MS. GROSING: You've got to learn to
11 pronounce names here.

12 CHAIRMAN SCHMITT: It's the writing that
13 throws me.

14 MS. GROSING: You've got George in
15 Siberia, and me where?

16 CHAIRMAN SCHMITT: It depends.

17 MS. GROSING: Well, I'm the executive
18 director of the Hispanic Brotherhood of Rockville
19 Centre. And I know some of you. Some of you
20 have been in our center and given us
21 proclamations for the good job that we do. We
22 have a senior citizens program where we serve
23 4,000 meals a year, and we also have the youth
24 program, after school and in the summertime.

25 These cuts are devastating and they will

2 be devastating for our agency because we don't
3 have a big budget. So those 4,000 meals that we
4 serve, they're not going to be there, and the
5 kids that we help, they won't be there. But you
6 won't be there either because it's going to be
7 mutual.

8 For the other side of the aisle, I know
9 you have ten votes on one side and you know three
10 on the other. I remembered when we needed to
11 refinance my home to pay for college. Sometimes
12 in this economy we need to do the right thing.
13 And now is not the time to play politics. I
14 think people in this country, from Washington all
15 the way down, are fed up with the politics. Work
16 with your heart, not with the political party.

17 Thank you.

18 CHAIRMAN SCHMITT: Legislator Scannell.

19 LEGISLATOR SCANNELL: Hi, Margarita.

20 Thank you so much for coming down. It is great
21 to see you, but it also is unfortunate that your
22 agency is being cut. Like you said, literally
23 4,000 meals is just an incredible service. I've
24 been to your place. I've been there many times.
25 I know the outstanding job that you guys do, and

2 I think it's, you know -- I'm going to vote no on
3 this today.

4 CHAIRMAN SCHMITT: Phil -- I'm sorry,
5 it's the writing -- Nicholas - Mickulous. Did I
6 get it right?

7 MR. MICKULOUS: You got it pretty close.
8 Very good.

9 CHAIRMAN SCHMITT: Thank you.

10 MR. MICKULOUS: I'm not going to repeat
11 what most of my colleagues have already well
12 stated. I'll just say Amen.

13 I don't know how many are still here, but
14 if any of the Family & Children folks, the staff,
15 board representatives, clients, just stand up.
16 I'm told that politicians can do one thing very
17 well, and that's count. So we just wanted to
18 show you that we were here.

19 Actually, I'm just going to take my
20 couple of minutes to read a letter that I think
21 Legislator Gonsalves, you got from one of your
22 constituents, who is one of my colleagues at the
23 agency, after I sent an e-mail describing the
24 crisis and the situation that we've been talking
25 about all morning.

2 She wrote: Is that really what you and
3 the rest of the legislature will allow to happen?
4 She had summarized the elements that we've been
5 talking about. You were elected to be adults, to
6 find common ground, to work for the good of the
7 whole community. It seems like too many
8 legislators value party loyalty above all else,
9 democrats as well as republicans.

10 My suggestion to all of you, stop
11 grandstanding. If working together on
12 redistricting will gain the support the of
13 democrats for the bond issue, then do it.

14 The HHS departments, along with their
15 partners in the non-profit community, serve the
16 most vulnerable of our neighbors. When the poor,
17 elderly, and disabled are threatened to advance
18 one party's agenda, then there is something
19 fundamentally wrong with the way that our local
20 government is operating. Be a leader. Find a
21 solution that does not endanger those least able
22 to advocate for themselves.

23 Thank you very much.

24 CHAIRMAN SCHMITT: Thank you.

25 Ammalee Oakman of Oyster Bay, Life

2 Enrichment Center. Ammalee.

3 MS. OAKMAN: Hello panel. My name is
4 Ammalee Oakman, and I'm a senior citizen and a
5 member of the Life Enrichment Center at Oyster
6 Bay. I have been a member there for three years.
7 I'm here today because I'm afraid I won't be able
8 to continuing to participate in the programs at
9 the center if funding cuts are made. Programs
10 like our weekly lunch, round-trip transportation
11 to the center, and medical transportation to
12 doctor's appointments helps to keep seniors
13 active and healthy in their own communities.

14 I had a terrible accident where I almost
15 died about two years ago, and the center was
16 there for me. If you cut the center for seniors,
17 there are people that don't have families. How
18 are they to live, to get along to get strength
19 and stronger every day, and to go enjoy? All of
20 us, one day, are going to get old. All of us,
21 one day, are going to need help. The senior
22 center has always been there to take care, and to
23 show you strength to go on to live the life you
24 live to the fullest.

25 Thank you very much.

2 CHAIRMAN SCHMITT: Thank you.

3 Lisa Craig of Glen Cove.

4 MS. CRAIG: Hello, everyone. My name is
5 Lisa Craig. I'm the director of the Glen Cove
6 Adult Day Program, which functions under the Glen
7 Cove Senior Center. And I thank you for years of
8 funding, which we are totally dependent upon.
9 I'm here today to speak on behalf of adult day
10 care for seniors with special needs. And I'm
11 here to tell you that this is an issue which
12 affects all generations in Nassau County.

13 Whose life here has not been in contact
14 with an elderly senior who is suffering either
15 from Alzheimer's or another form of dementia, or
16 another physical disability?

17 As we all know, Nassau County's senior
18 population is expected to skyrocket, as baby
19 boomers are now reaching retirement age. Many of
20 us in that age bracket are now caring for our
21 elderly parents, and we know the meaning of the
22 term caregiver stress. The fear is that this
23 stress will negatively affect our own health and
24 well being, and that baby boomers will not be
25 able to live as healthy as the parents we are now

2 caring for.

3 Adult day care is a relatively new
4 concept, first created in 1985 by the Older
5 Americans Act. But, in today's economy, where
6 all family members pretty much have to work, it
7 has become a lifesaver for both the caregivers
8 who are still out in the workforce and for their
9 elderly loved ones who would otherwise be left
10 home alone. Many adult day care centers provide
11 transportation for the homebound, nutrition hot
12 meals for the hungry, special exercise for those
13 with disabilities, and socialization for the
14 lonely. Adult day programs allow the very people
15 who built this county to age with dignity and
16 purpose among their families, and for many it is
17 an opportunity to flourish again. For many, they
18 will never have the need for a nursing home. For
19 others, the need for end-of-life-care in a
20 nursing home will be greatly diminished.

21 Over the years, we have watched our own
22 program work wonders. Innumerable times,
23 families have come to me and asked, what have you
24 done to bring my parent back to life? They're a
25 totally changed person.

2 We have proudly brought some respite and
3 comfort to people who have assumed the enormous
4 responsibility of caring for their frail loved
5 ones at home. The need for these programs is
6 only going to increase as our population ages.

7 Last, but not least, please remember that
8 the cost of funding adult day programs is a
9 fraction of the cost of funding nursing homes.
10 Nursing home beds are already expensive and
11 filled to capacity. What will happen a decade
12 from now?

13 Please think carefully and preemptively
14 about cutting our budgets. Think about the
15 future - your future, our future. Cutting --

16 CLERK MULLER: Your three minutes have
17 expired.

18 MS. CRAIG: Cutting funding for this
19 human service will only prove to be vastly more
20 expensive to Nassau County in the long run.

21 Please, I just encourage everybody, if
22 you vote with your hearts, you won't be wrong.

23 Thank you.

24 CHAIRMAN SCHMITT: Andrew Malekoff from
25 Roslyn Heights. I hope I got that right.

2 MR. MALEKOFF: Good afternoon. I'm
3 actually from Long Beach. I'm the executive
4 director of North Shore Child and Family Guidance
5 Center. I don't want to repeat what many of my
6 colleagues and consumers, board members have
7 already said, but I guess I have one question I
8 would like to ask and to introduce that question
9 by introducing you to some people.

10 The question I have is since the
11 possibility that the mental health, chemical
12 dependency, developmental disabilities and youth
13 services programs will be eliminated, as the
14 article in *Newsday* today emphasized, I wanted to
15 know what the contingency plan is in the event
16 that that happens.

17 So what I did is, since we see
18 emergencies at the Child and Family Guidance
19 Center at a rate of about 20 percent of all of
20 our calls, which is hundreds of calls each year,
21 I want to know what will happen with some of
22 them. So I looked through the calls. My staff
23 gives me the list of emergencies and intakes on a
24 monthly basis. And so this morning I just went
25 through those and I just picked a few out. I

2 didn't cherry pick. I just went down the last
3 couple of months. I disguised some of this for
4 people's privacy and confidentiality.

5 Maria, age five, witnesses domestic
6 violence. Father choked mom in front of Maria.
7 Mother discovered he has past history of sex
8 offender. So what's the plan for Maria?

9 Chelsea, age 12, sent a text to her
10 friend last night stating, I want to kill myself.
11 Friend reported it to school officials. A few
12 months ago, Chelsea was cutting her arms. What's
13 the plan for Chelsea?

14 Michael, age 9, made a suicidal
15 statement, has violent, aggressive thoughts, and
16 hallucinations. What will happen to Michael when
17 the cuts are made?

18 Sarah, age 15, was abandoned by mother at
19 age five. Her father committed suicide when she
20 was an infant. She lives with relatives. She
21 was referred as a result of cutting her arms.
22 What will happen to Sarah?

23 Patricia, age 10, was referred after
24 posting a video on the internet in which she held
25 a knife to her throat. She has a history of

2 being sexually abused. What will happen to
3 Patricia? What's the contingency plan for her?

4 Anthony is deeply depressed since the
5 death of his grandmother. He cuts himself and
6 talks about wanting to die to be with his
7 grandmother. What's the plan for Anthony?

8 Ariella, 11, sexually abused by a
9 relative who held his hand over her mouth to
10 prevent her from screaming. Who is going to see
11 Ariella if cuts are made?

12 Audrey, found on the service road of the
13 LIE passed out drunk. History of being verbally
14 abused at home.

15 CLERK MULLER: Your three minutes have
16 expired.

17 MR. MALEKOFF: Okay. So my question is
18 what's the contingency plan for these kids and
19 for others that are represented by the other
20 agencies if the possibility of the programs being
21 eliminated exist, which it does and I take it
22 seriously, what do we tell these families when
23 they read in the newspaper that the programs are
24 cut? What is the plan for these calls? We
25 receive them every day.

CHAIRMAN SCHMITT: I understand the question. I don't know what you're looking for us to tell you.

MR. MALEKOFF: I'm looking for what the plan is, so when the calls that --

CHAIRMAN SCHMITT: If the bonding is rejected and the further steps that have been outlined are taken, obviously there will be a creation of a void. That void will have to be filled, I would say by social services. I don't know.

MR. MALEKOFF: Social services does not provide --

CHAIRMAN SCHMITT: Things are going to get cut back.

MR. MALEKOFF: this social. Social Services does not provide mental health services. They're not licensed by the New York State Office of Mental Health.

CHAIRMAN SCHMITT: Sir, I understand that. But what I'm saying to you is if cuts are made, obviously things are going to have to be cut back.

MR. MALEKOFF: I understand that.

2 CHAIRMAN SCHMITT: You can't spend money
3 twice.

4 MR. MALEKOFF: Right. So what's the
5 plan for seeing these people? This is just a
6 handful that I gave you.

7 CHAIRMAN SCHMITT: Hopefully, the plan
8 is that all of this goes away because they
9 approve the bonding that's on the calendar today.
10 But it's up to -- we need 13 votes; I have ten.
11 It's --

12 MR. MALEKOFF: So who do I tell the
13 family to call when we have to close our
14 services?

15 CHAIRMAN SCHMITT: You know what? I'll
16 play the game. You tell them that we needed 13
17 votes and we only got 10, and so here we are.

18 MR. MALEKOFF: So should they call you?

19 CHAIRMAN SCHMITT: If they live in my
20 district, I'd be happy to take the calls.

21 MR. MALEKOFF: And who will treat them?

22 CHAIRMAN SCHMITT: I'm not licensed to
23 do that.

24 MR. MALEKOFF: Somebody up here must
25 have -- you're smart people. You work together

2 to make decisions. What's the contingency plan,
3 because this is a real possibility? Did anyone
4 discuss a contingency?

5 LEGISLATOR ABRAHAMS: If I may. I don't
6 think anyone up here -- I'm speaking for our side
7 and I guess I could speak for the other side.
8 The county executive has not detailed how and
9 what departments would be cut and in what manner
10 they will be cut.

11 In regards to mental health - and I'm
12 sure, as you know, mental health receives a
13 substantial amount of money through the state.

14 MR. MALEKOFF: That's matching funds. So
15 if county monies are lost, the state matching
16 funds are lost too.

17 LEGISLATOR ABRAHAMS: That's my point.
18 That's what I'm about to say, what you're saying.

19 I couldn't see a reason why the
20 administration would cut county funds which match
21 what the state is going to give us. Well, I
22 heard someone say because we need the money.
23 Then that's silly because -- well, the reason why
24 I say that is the money that's coming in from the
25 state is revenue. If it's coming on the revenue

2 side of the budget, then it's going to be cost --
3 you're not saving anything if you're cutting
4 money from the revenue side at the same time
5 because you're not spending --

6 CHAIRMAN SCHMITT: You're right.

7 LEGISLATOR ABRAHAMS: the matching
8 dollars on the expenditure side.

9 CHAIRMAN SCHMITT: I will concede the
10 point. You're absolutely right. But you haven't
11 been listening to what is said up here. As
12 Legislator Ford pointed out, so correctly, when
13 the lawyers come in with the judgments, it's
14 blind. They're not going to say this is matching
15 funds; it's give me my money.

16 LEGISLATOR DENENBERG: So why vote for
17 the settlements and incur the judgment?

18 LEGISLATOR ABRAHAMS: To answer to your
19 point, there is no one up here that is privy to
20 any documentation or any knowledge of what the
21 administration would do if they decided to go
22 down that direction. I just find it hard to
23 believe that we would be cutting any money that
24 we basically would need to match. At the same
25 time, you're not addressing your \$40 million

2 problem because you are still going to be short
3 at the end of the day on the revenue side because
4 that's the money that's coming in from the state.
5 It doesn't make any sense. It's not costing you
6 anything to provide the service; that's in the
7 event, where we're talking about a 50 percent
8 match. Obviously if we're talking about less, it
9 has a different type of impact.

10 But to be more direct to your question, I
11 think it might be more appropriate for someone
12 from the administration -- no one up here, to my
13 knowledge, has been given any information that
14 would give us any indication on how the county
15 executive will implement any cuts. All we have
16 heard is the elimination of chemical dependency,
17 of mental health, of youth board. That's all
18 we've heard. I don't know what that means
19 because each and every one of those agencies
20 receive state funding, which if you're talking
21 about not being in the mental health business or
22 the chemical dependency of the youth board
23 business, then obviously they're giving that
24 money back too. You're not going to be
25 collecting that revenue too. You can't collect

2 revenue and not provide the service. So, from
3 that standpoint, I'm not too sure what the county
4 executive is talking. But, then again, the
5 details are a bit vague.

6 MR. MALEEKOFF: Well, I would just
7 suggest that everyone up here get that
8 contingency plan, because when these phone calls
9 are made, lives are at stake. And people who
10 know what they are doing, who are licensed,
11 qualified, and experienced to do it are the ones
12 that need to respond. So that if the cutting
13 takes effect, there must be someone to respond
14 that is able to, otherwise the consequences are
15 more than dire.

16 So, I thank you for your time. And I
17 hope that in your deliberations you will make the
18 right decisions.

19 CHAIRMAN SCHMITT: Thank you.

20 LEGISLATOR NICOLELLO: Mr. Chairman.

21 CHAIRMAN SCHMITT: Legislator Nicoletto.

22 LEGISLATOR NICOLELLO: I just wanted to
23 respond.

24 Just so you understand. Once the bonds
25 are turned around and the \$41 million in

2 judgments are then ripe to be used to attach the
3 county's bank accounts, there are no
4 contingencies that we're aware of. There is
5 going to be drastic cuts. Basically, this County
6 has already -- this county has already cut to the
7 bone. To leave any suggestion out there that the
8 county executive is going to have any options
9 that's going to do something that's going to
10 spare this agency or this group of very needy
11 people is a fabrication. It's going to be
12 immediate. It's going to be drastic. There are
13 going to be people losing services, and there is
14 no plan for them. That's the result of turning
15 down this bond issue, period.

16 Whether we take the action we're going to
17 take next or not, once the bond issue fails the
18 \$41 million opens up in a budget that's already
19 been cut to the bone and there is going to be
20 drastic pain in this county.

21 CHAIRMAN SCHMITT: Legislator Denenberg.

22 LEGISLATOR DENENBERG: Sir, there's \$114
23 million more borrowing sitting in the clerk's
24 office right now. There's votes being taken
25 today to settle cases that would effectively put

2 us on the hook. We shouldn't be settling these
3 cases if the only way to pay them is borrowing
4 and more borrowing. The bottom line is the math
5 that you're doing.

6 Borrowing doesn't give you revenue. The
7 red light camera money is real revenue. And in
8 the behavioral service area, for every dollar
9 that we cut we give up \$4 from other sources. So
10 the math that you're seeing is why give up four
11 for every one; why throw away a dedicated revenue
12 source that was dedicated in direct fiscal times;
13 and why vote to accept judgments and put us in a
14 situation where we're going to be borrowing or
15 asked to borrow \$400 million in very, very short
16 order. You're just going to come back again, and
17 again, and again.

18 The bottom line is NIFA won't even let us
19 borrow until another 50 million in cuts exist.
20 So if Mr. Nicoletto's right that those 50 million
21 don't exist, then we're never going to be allowed
22 to borrow. We should leave you alone.

23 CHAIRMAN SCHMITT: Mr. Denenberg, if you
24 believe one word of what you just said, you'd
25 vote for the settlements and the bonds.

2 LEGISLATOR DENENBERG: Peter, Peter. I
3 voted and --

4 CHAIRMAN SCHMITT: You would vote --

5 LEGISLATOR DENENBERG: joined me and
6 said you didn't want to let the county executive
7 take --

8 CHAIRMAN SCHMITT: David, one at a time
9 --

10 LEGISLATOR DENENBERG: their money away.
11 So stick with your word from 2009. Don't take
12 their money away.

13 CHAIRMAN SCHMITT: David, if NIFA won't
14 approve the borrowing, as you have said four
15 times during this period, if that's true, and I
16 don't believe that it is, if that's true, you
17 would vote for the bonds, you would save these
18 agencies today. And let NIFA take --

19 LEGISLATOR DENENBERG: It's not saving
20 the agencies. You're not giving --

21 CHAIRMAN SCHMITT: its action --

22 LEGISLATOR DENENBERG: them a quip pro
23 quo. You're cutting the agencies. I'm not. You
24 linked the agencies to borrowing, no one else
25 did. No one ever links a recovering expenditure

2 to borrow funds except for you.

3 CHAIRMAN SCHMITT: I know this is hard
4 for you, David.

5 LEGISLATOR DENENBERG: Except that
6 that's not real math.

7 CHAIRMAN SCHMITT: But it's time to --

8 LEGISLATOR DENENBERG: It's not hard for
9 me.

10 CHAIRMAN SCHMITT: It's time to let --

11 LEGISLATOR DENENBERG: You're linking --

12 CHAIRMAN SCHMITT: David.

13 LEGISLATOR DENENBERG: annual --

14 CHAIRMAN SCHMITT: David.

15 LEGISLATOR DENENBERG: expenditures --

16 CHAIRMAN SCHMITT: David.

17 LEGISLATOR DENENBERG: to borrowing.

18 CHAIRMAN SCHMITT: David.

19 LEGISLATOR DENENBERG: No one else is.

20 CHAIRMAN SCHMITT: David, can we come
21 down a notch? I know --

22 LEGISLATOR DENENBERG: You interrupted
23 me.

24 CHAIRMAN SCHMITT: this is hard, but
25 it's time to let somebody else speak.

Legislator Muscarella.

LEGISLATOR MUSCARELLA: I just have a quick question. David, if you would. Do you suggest then that we should not settle certiorari cases and we should let them all go to judgment?

LEGISLATOR DENENBERG: Excuse me. How many have we actually tried?

LEGISLATOR MUSCARELLA: I asked you a question. It's a yes or no question.

LEGISLATOR DENENBERG: If I don't have the backup that would show that we should be giving the monies that we should be giving -- and we don't have that backup -- and if we're not settling cases right through the current day, any attorney should never settle a case unless all liability is being brought up to the current date. Today, you're going to be voting on tax certs, Vince, where you're not bringing the liability of the county up to the current day. So there is a revolving door that these tax cert, commercial tax cert plaintiffs don't have to jump off. So that's constant, constant spending and constant borrowing. And if you're going to link borrowing today to recurring expenditures, we're

2 going to be doing it again and again.

3 I would urge everyone to vote against the
4 settlements. Absolutely, I would urge people to
5 vote against settlements today.

6 LEGISLATOR MUSCARELLA: Which then can
7 be reduced to judgments.

8 LEGISLATOR DENENBERG: How do you know?
9 How do you know unless we try a few of the cases?
10 But either way, I wouldn't settle a case where
11 someone still has a case against me for 2010, 11,
12 and 12. Why would I ever do that? That makes no
13 sense.

14 LEGISLATOR MUSCARELLA: Dave, I think 42
15 million today is all judgments. I think. I may
16 be wrong.

17 LEGISLATOR DENENBERG: It's less than
18 that. The judgments are less than that. Far
19 less than that.

20 LEGISLATOR MUSCARELLA: And in that case
21 you're telling us that we should not accept the
22 judgments of the court or we should and just
23 leave it to the tax certiorari bar to perhaps
24 help us out by not reducing --

25 LEGISLATOR DENENBERG: I'm telling you -

2 -

3 LEGISLATOR MUSCARELLA: any of these
4 judgments and not enforcing the judgments against
5 any bank accounts that we have. I think that
6 would be very nice of them if they could take
7 their judgments and just sit with them. I don't
8 think that's going to happen.

9 LEGISLATOR DENENBERG: Mr. Muscarella,
10 the numbers that you just gave are wrong. But
11 what I'm telling you -- and the bottom line is,
12 don't tie recurring revenues for the recurring
13 contracts up to one time borrowing that you're
14 just going to keep asking for again and again
15 because you have to, because these settlements
16 don't bring our liability up to date. So you're
17 putting the contract agencies in a position where
18 every week they're going to have to be here
19 because you're going to request more and more
20 borrowing.

21 LEGISLATOR MUSCARELLA: And if the bank
22 accounts get --

23 LEGISLATOR DENENBERG: Let me finish
24 now. And in 2009, in 2009, we said, no, you
25 don't have to come here again and again, here's a

2 dedicated revenue source.

3 The only thing that I can see that has
4 changed is the county executive and the majority.
5 So when you were in the minority, you agreed with
6 us; but now in the majority you don't?

7 LEGISLATOR MUSCARELLA: You know what
8 I've seen? You know what I've seen that's
9 different? I've seen the fact that the minority
10 now never provides the votes for bonding unless
11 they can get --

12 LEGISLATOR DENENBERG: Never?

13 LEGISLATOR MUSCARELLA: fair
14 redistricting.

15 LEGISLATOR DENENBERG: Never?

16 LEGISLATOR MUSCARELLA: I've seen --

17 LEGISLATOR DENENBERG: Never?

18 LEGISLATOR MUSCARELLA: the fact that
19 you are not --

20 LEGISLATOR DENENBERG: Never?

21 LEGISLATOR MUSCARELLA: bonding for tax
22 certs --

23 LEGISLATOR DENENBERG: There's \$14
24 million in bonds still sitting there that the
25 county executive hasn't spent.

LEGISLATOR MUSCARELLA: David, when you were in the majority, a majority of one, you had your deputy presiding officer voting against certioraris, against bonding those things, and we provided the votes. We provided the votes not only to bond but to settle those cases because we thought it was the right thing. There's such a thing of institutional integrity, and that's what's gone by the way side here.

We all play politics. Both sides play politics, it's part of the government process. It's not a nice part of it. It's not a good part of it. Nobody likes to see the sauce being made. Ultimately, ultimately, both sides, since the time Bruce Neiman and Bruce Blakeman were majority leaders, both sides knew that there had to be some institutional integrity. Both sides took votes that maybe weren't pleasant, weren't part of their political agenda, but did so because government had to function. What I see different is that unfortunately I don't think anymore that the minority, as currently constituted, wants to provide the institutional integrity.

1 I love all of you. You're great people,
2 individually. We get along. I'm probably the
3 least political person here. But I think that
4 we've gone a step beyond what government, in its
5 institution, in representing people, in doing
6 what's right ultimately, I think sometimes, on
7 both sides in the past, we've put aside our
8 political differences and done what we thought
9 was right, not for our political parties but
10 because government has to function. I think
11 we've gone beyond that here on your side.

13 LEGISLATOR DENENBERG: Just to answer,
14 Mr. Muscarella. We never, ever asked you to
15 borrow 100 percent of the tax certs. The only
16 borrowing we were doing was less than 50 percent.
17 You took that out of the budget. We begged you
18 not to. And we never, in 2009, the very same
19 people were sitting in this audience and were
20 speaking, and we, as a majority, never tied up
21 saving the contract agencies with what other
22 votes you took. And there were plenty of no
23 votes you took that same day. That same day, you
24 took no votes on recurring revenue sources
25 because of a political mantra that you wanted to

2 make, and we didn't tie it together at all. And
3 we never asked to borrow for tax certs, more than
4 50 percent. And you're asking for 100 percent.
5 Period.

6 CHAIRMAN SCHMITT: Jolene Boden.

7 MS. BODEN: Thank you. I'm not going to
8 read my prepared testimony because I don't want
9 to repeat the things that I've said. I'll just
10 tell you, I'm Jolene Boden. I am the Long Island
11 Director for JASA, which is the Jewish
12 Association Serving the Aging, and I am the co-
13 chair of the Senior Service Providers Coalition.

14 JASA, as an agency's mission, is to
15 sustain and enrich the lives of the aging in New
16 York so they can remain in the community with
17 dignity and autonomy. That is what we are asking
18 for. That's what we're asking to continue.

19 The Senior Service Providers Coalition
20 was formed in 2000 to offer a voice for the
21 seniors living in Nassau County, and it
22 represents the many agencies that provide
23 programs to the hundreds of thousands of seniors
24 in this county.

25 I think we all understand that this

1 county, like every individual, faces difficult
2 choices in the economy. But reducing or
3 eliminating funds that were promised to us and
4 that we're told were going to sustain the seniors
5 of this community is an abomination to me. I
6 think that these people built this country, built
7 this county. They came out here as pioneers.
8 There was no such thing as suburbia in New York.
9 They came here. They created communities for a
10 better life. And we're thanking them by the
11 possibility that they are not going to have a
12 better life at all, that they're not going to be
13 able to remain in their communities because there
14 will be no funds to provide them with the much
15 less expensive services in the community, and
16 they will either leave the county and go live
17 with adult children, or go into nursing homes,
18 which are going to cost us a lot more money than
19 that.
20

21 I must also say that the Senior Service
22 Providers Coalition lobbied to get an aging
23 committee to get created, because we really
24 wanted a voice on the legislature for the aging
25 committee to represent the needs of the seniors.

2 And I have to say we've been severely
3 disappointed in this, that the aging committee
4 has not been there putting the needs of the
5 seniors at the forefront and reducing the risk
6 that they will take.

7 Thank you.

8 CHAIRMAN SCHMITT: Thank you.

9 David Landow.

10 VOICE: He has to leave.

11 CHAIRMAN SCHMITT: He left.

12 That's all of the speakers that I have on
13 the red light cameras. I'm sorry. Did you put
14 in a slip? Why don't you just tell us your name
15 and address?

16 MS. GUISE: I'm Judy Sanford Guise.

17 CHAIRMAN SCHMITT: From?

18 MS. GUISE: Do you want my personal
19 address instead of on a form? 26 Countsburry
20 Avenue, North Valley Stream, New York 11580-1748.
21 I live in the Third LD.

22 I didn't come to speak. I came to be
23 here. I happen to be a trustee of Family and
24 Children's Association, and a lot of our folks
25 had to leave because they had to go back to help

1 the people that we're around to help. But I'm
2 definitely not speaking for Family and Children's
3 Association right now. I'm speaking for myself.
4 It's really more an observation. I think I'm the
5 only person here who probably won't ask for
6 anything.
7

8 It's my observation -- well, that I'm in
9 a case of redefining reality. I was going to be
10 totally originally, except Mr. Denenberg said
11 something a few minutes ago that was the same.
12 As far as I know, it was the county executive's
13 choice to make human services the issue,
14 apparently with the support of a lot of people in
15 this room, and I do not understand that.

16 I spend a lot of my time looking at
17 politics and other things like FaceBook. So I've
18 been watching what's been going on in other
19 states. So I know that in Wisconsin, after the
20 governor, who hopefully will soon be the ex-
21 governor, of the State of Wisconsin gave away the
22 surplus in that state. He then decided the
23 problem in the state was the civil service
24 workers, the employees, which, incidentally, he
25 wasn't as concerned about the men who made a lot

1 of money. He was actually looking at the women
2 who are making the least money.
3

4 I'm looking at what goes on in Texas and
5 Tennessee. Several things in Arizona, North
6 Dakota, the United States Congress, I'm not just
7 looking at states, North Carolina, and Georgia,
8 where my grandchildren now live and where my
9 family lives because they no longer live in
10 Nassau County. And what I find amazing is the
11 fact that we now have a war on the human
12 services. Other places have a war on women or
13 they have a war on organized labor. But that is
14 what I am sitting here and I'm hearing. We
15 should not be discussing the need for human
16 services in the county because you outsourced
17 those services to these programs because we do it
18 better and we do it cheaper. So there shouldn't
19 be any discussion of whether we need these
20 services or not.

21 Mr. Kopel, I think the unfed child or the
22 unfed senior might take exception. I was married
23 to someone -- what you said resonated with his
24 view, because when we would have disputes about
25 the problems of unemployment, he'd say people

2 over here are unemployed and those people became
3 employed. The unfed child or senior probably
4 would take exception with you, of saying it's
5 going to be program A or going to be area B.

6 LEGISLATOR KOPEL: By the way, that's
7 just a fact. Think about it. It's just a fact.
8 It's going to be A or B; the money isn't there.

9 MS. GUISE: I understand that. But
10 there's a difference in the facts. We're doing
11 the -- the human services in Nassau County are
12 doing the work of Nassau County.

13 LEGISLATOR KOPEL: By all means,
14 identify B.

15 MS. GUISE: It's your community and our
16 community. And just because somebody's decided
17 that the red light money should be on the
18 chopping block doesn't make it so that's your job
19 to say no.

20 CLERK MULLER: Your three minutes have
21 expired.

22 CHAIRMAN SCHMITT: Mr. Clerk, did you
23 just say the three minutes have expired?

24 CLERK MULLER: Yes. I did.

25 CHAIRMAN SCHMITT: Please, you have to

2 make that clear because we're not hearing it up
3 here.

4 CLERK MULLER: I will make it clearer.

5 CHAIRMAN SCHMITT: Okay.

6 I'm going to call now -- this will be our
7 last speaker in public comment. We'll take other
8 speakers, as we do, after we do the legislative
9 meeting. Jim Brown of Long Beach, South Shore
10 Autobahn Society. This is on the water works
11 property.

12 For those people who came here and spoke
13 on the red light camera, when we get -- if we get
14 to the hearing on the red light camera, all of
15 your testimony will be made a part of the
16 transcript of that hearing.

17 Go ahead, sir.

18 MR. BROWN: Hello. My name is Jim
19 Brown. I'm here on behalf of the South Shore
20 Autobahn Society. We're a chapter of the
21 National Autobahn Society, and we represent
22 approximately 1700 families in Long Island, many
23 of them along the south shore. I'm here today to
24 address of the Water Works property, which is on
25 the agenda for today, Resolution Number 68-2012

2 and the proposed ordinance, Number 56-2012. And
3 we're here to thank the legislature and the
4 executives, the executive branch for deciding to
5 purchase the Water Works property from a willing
6 seller, using bond money that was approved in
7 2004 and 2006. The residents of Nassau County
8 voted to save open space, and this Water Works
9 property, which adjoins the Brookside Preserve,
10 will protect the Brookside Preserve from the
11 ravages of development and protect the wetlands
12 there.

13 The South Shore Autobahn Society, for
14 many years, has worked to get the county to buy
15 this land, and we've also been caretakers of the
16 Brookside Preserve. With this new property that
17 now all of the residents of Nassau County will
18 have, our old preserve will be protected and we
19 will manage the new one.

20 Also, the residents of the
21 Freeport/Baldwin area where the Water Works
22 property is located support this purchase. They
23 formed a coalition. We appreciate the help that
24 they've given in bringing this to fruition.

25 The Society, what we do at Brookside is

2 what we hope to do with the new property. We
3 lead guided tours open to all the public. We do
4 bird walks, cleanups, and involve the community
5 in the preserve, and we're looking forward to
6 doing that with this new purchase.

7 We're happy that the county, in a non-
8 partisan, bipartisan way, has decided to go ahead
9 with this purchase, and to help the environment
10 of Nassau County and to get this open space.
11 Because the environment of Nassau County and all
12 of Long Island is under so much pressure and
13 really under siege. So we thank you for putting
14 this on the agenda. And South Shore Autobahn
15 Society looks forward to working with the county
16 as things move forward.

17 Thank you.

18 LEGISLATOR GONSALVES: Legislator
19 Jacobs.

20 LEGISLATOR JACOBS: Thank you.

21 LEGISLATOR GONSALVES: Mr. Brown.

22 LEGISLATOR JACOBS: Mr. Brown, you don't
23 really have to come back up. It's me. Hi.

24 I wanted to tell you that when the
25 environmental bond acts were passed, truthfully,

2 I was the presiding officer and Mr. Schmitt was
3 minority leader. Neither one of us was sure this
4 would ever pass because, if you recall, things
5 were not great then either. I mean, you know, it
6 didn't happen to the economy overnight. It's not
7 going to be cured overnight. But it amazed me
8 that 77 percent of the people approved both
9 environmental bond acts. And in Oyster Bay
10 especially, where I happen to live, they approved
11 it even though Oyster Bay had their own
12 environmental bond act at the time. It was
13 totally amazing. It showed a realization on the
14 part of people to protect whatever we have left
15 that we can in order to leave something for the
16 future. So the monies for this -- just so we
17 don't confuse everyone in the audience. The
18 monies for this acquisition are part of that
19 environmental bond act, which was by referendum
20 approved by all of Nassau County and are in a
21 separate fund. And the reason we were so pleased
22 with this particular parcel is because it
23 protects the preserve near it and also that it's
24 on the south shore; open space was hard to come
25 by there, and we felt that this would be at least

2 a link to making sure we had some, some totally
3 look at what they're going to be doing and make
4 sure that there is as much preservation involved
5 as can be.

6 I'm glad you're glad. I can tell you
7 that we are very happy also. It's one of the
8 remaining, am I right Dave, one of the remaining
9 pieces left to be finalized. And that goes for
10 both sides of the aisle.

11 We all recognize the importance. We were
12 never sure the public recognized the importance;
13 they did. And we've been going along as we're
14 able to do it. Thank you.

15 LEGISLATOR GONSALVES: That's the end of
16 the public comment period.

17 (Whereupon, the following is the
18 continuation of the minutes of the May 21, 2012
19 meeting of the Full Legislature.)

20 CHAIRMAN SCHMITT: Are there any further
21 items to be heard?

22 (No verbal response.)

23 Any additional public comment that we
24 haven't heard from already?

25 (No verbal response.)

2 I'll take a motion to close the hearing.

3 LEGISLATOR GONSALVES: Motion to close
4 the hearing.

5 CHAIRMAN SCHMITT: Moved by Legislator
6 Gonsalves.

7 LEGISLATOR DENENBERG: There's someone
8 coming up.

9 CHAIRMAN SCHMITT: Who is coming up? I
10 asked four times.

11 MS. MYLES: I'm sorry.

12 CHAIRMAN SCHMITT: I'm sorry.

13 MS. MYLES: I was trying to be --

14 CHAIRMAN SCHMITT: This guy was blocking
15 the vision. Go ahead.

16 MS. MYLES: My name is Janice Myles.
17 I'm a resident of New Cassel, New York. I'm also
18 the executive director of Concerned Citizens for
19 Roslyn Youth Incorporated.

20 My family came to Nassau County in the
21 early 1930's. I've been a resident of Nassau
22 County since birth. I left temporarily to go to
23 college.

24 I can't belabor the point about what
25 everybody said today. But you passed a law.

2 Everybody did it. It was unanimous. We lobbied
3 for that money and we fought hard for it to be
4 there so that we would not have to be here again
5 to talk to you about saving services to young
6 people.

7 I'm a taxpayer. I own a home. I would
8 say that the people who are owed this money
9 probably deserve it. But I don't know that you
10 take money from indigent populations to take care
11 of this. We didn't create it.

12 If I was on the other side and you owed
13 me money, I don't know that my position would be
14 any different. And I wish some of those people
15 were here today to say to you, you know, yes or
16 no, you should take this money from these people.
17 Maybe you should sit us all in the room together
18 and let us try and talk about whether they even
19 think it's fair for you to do this to us in this
20 manner. But since that didn't happen, we have to
21 accept, I guess, what you're saying your position
22 is.

23 I think that you need to at least take
24 into consideration that laws are not always made
25 to be broken and that some people hold you

1 accountable.

2 I'm going to go even further. I am a
3 republican. When I grew up, you were told you
4 had to be a republican if you were going to work
5 in Nassau County. I'm going to be 60 next year -
6 next month, excuse me. So all of my years in
7 this county that's what I've been. I voted for
8 Mangano. But I also voted for Wayne Wink. Wayne
9 is the person that is in my community where I
10 work and also -- not in the community where I
11 live, but in the community where I work. And I
12 didn't vote for him. But I vote for him, if you
13 understand what I'm saying, because I can't
14 really vote for him. But he is in the district
15 where I work, the legislator, and he always will
16 have my support because he's always been a friend
17 to our community where I serve.

18 I can only say to you that not being
19 partisan or being partisan is not an issue here
20 today. You cannot value human life based upon
21 something that you owe somebody, that we didn't
22 create. I think my appeal to you is to be fair.

23 You talk about integrity. I heard that
24 word kind of thrown around a lot today. And if
25

2 you really know what the definition of it is, and
3 I'm sure you do, the integrity would be to not
4 rescind the law that you passed, to save services
5 for youth, families, and seniors, and human
6 services in this County.

7 Thank you.

8 CHAIRMAN SCHMITT: Okay.

9 A motion to close the hearing?

10 LEGISLATOR GONSALVES: Motion to close
11 the hearing.

12 LEGISLATOR MUSCARELLA: Second.

13 CHAIRMAN SCHMITT: Motion to close the
14 hearing by Legislator Gonsalves, seconded by
15 Legislator Muscarella.

16 All those in favor of closing the hearing
17 please say aye.

18 (Aye.)

19 LEGISLATOR DUNNE: Dunne votes aye.

20 CHAIRMAN SCHMITT: Dennis Dunne votes
21 aye.

22 Now we're going to go to Item Number 5.
23 It's the vote on the local law that we just held
24 the public hearing on.

25 Motion, please?

2 LEGISLATOR GONSALVES: So moved.

3 LEGISLATOR MUSCARELLA: Second.

4 CHAIRMAN SCHMITT: Motion by Legislator
5 Gonsalves, seconded by Legislator Muscarella.

6 Any further debate or discussion on this
7 item?

8 LEGISLATOR DUNNE: Legislator Dunne
9 votes aye.

10 CHAIRMAN SCHMITT: Wait a minute. I
11 haven't called the vote yet, Legislator Dunne,
12 but I appreciate that.

13 All those in favor of --

14 LEGISLATOR DENENBERG: Wait. Peter, can
15 the record from public comment, can we have that
16 incorporated?

17 CHAIRMAN SCHMITT: We did that already.

18 LEGISLATOR DENENBERG: Sorry.

19 CHAIRMAN SCHMITT: That's alright.

20 All those in favor of the local law, with
21 the public comment added to the record, please
22 say aye.

23 (Aye.)

24 LEGISLATOR DUNNE: Dunne votes aye.

25 CHAIRMAN SCHMITT: Dennis Dunne votes

2 aye.

3 All opposed?

4 (Nay.)

5 Let the record show that the item is
6 carried by a vote of ten to nine, ten votes of
7 the majority in favor and nine votes of the
8 minority opposed.

9 Next we have a hearing on a local law
10 authorizing the county executive to take any and
11 all actions he deems necessary to create \$40
12 million in savings for the county.

13 May I have a motion, please?

14 LEGISLATOR GONSALVES: So moved.

15 LEGISLATOR MUSCARELLA: Seconded.

16 CHAIRMAN SCHMITT: Motion by Legislator
17 Gonsalves, seconded by Legislator Muscarella.

18 We have an amendment in the nature of a
19 substation that was distributed on May 11. It's
20 introduced by myself. It adds Sections B, C, D,
21 and E to the proposed legislation. Specifically
22 -- everybody has it, I believe. But for the
23 record, the executive order -- any executive
24 orders taken under this legislation -- my words --
25 - said executive order shall be filed with the

2 County Clerk, the Clerk of the Nassau County
3 Legislature, and posted conspicuously on the
4 county website within 24 hours of its issuance.

5 Item C. The county executive shall file,
6 on a quarterly basis with the County Clerk, and
7 the Clerk of the Legislature, a statement
8 detailing the savings achieved and the savings
9 estimated to be achieved by the issuance of
10 executive orders pursuant to Subdivision A.

11 Item D. The authorities granted by this
12 local law shall expire upon the certification
13 issued by the Office of Legislative Budget
14 Review, the \$40 million in savings has been
15 achieved.

16 Item E. Any savings realized pursuant to
17 the authorities granted by this local law shall
18 be used solely to finance tax certiorari,
19 judgment, and settlements.

20 That's the amendment. I'll offer it.
21 Can I have a second, please?

22 LEGISLATOR GONSALVES: Second.

23 CHAIRMAN SCHMITT: Seconded by
24 Legislator Gonsalves.

25 All those in favor of the amendment

2 please say aye.

3 (Aye.)

4 LEGISLATOR DUNNE: Aye.

5 CHAIRMAN SCHMITT: Any opposed?

6 (Nay.)

7 The amendment passes by a vote of ten to
8 nine.

9 We have a hearing on the item as amended.
10 The hearing is open. I have some slips here. We
11 have Jerry Laricchiuta.

12 MR. LARICCHIUTA: Good afternoon,
13 Legislators. Thank you for the opportunity to
14 come up and try to explain our point of view on a
15 law that we believe is going to be passed today,
16 in these chambers, which violates two other laws,
17 which one is federal and one is state.

18 The reason we brought our representatives
19 up here with these signs is to show and
20 demonstrate -- because we've heard from Majority
21 Leader Schmitt and other legislators, as well,
22 that in order for the unions to stop being
23 attacked by this administration and by
24 government, in general, they need to come to the
25 table and do their fair share. Well, as you can

see, going all the way back from 2008, when Mr. Suozzi was still the county executive, straight to till we speak today, the CSEA alone has either conceded, through negotiations, or have had their money taken away involuntarily, just the CSEA, to the tune of \$135 million. I would say that alone is more than its fair share. Yet, we sit here today waiting for a law to be passed which violates the very Bible, I would say, that our government and our democracy is based on; the United States Constitution, which took 116 days and was passed in 1787, has been amended 27 times over the years, and each amendment, in itself, took a long time and a lot of debate and a great amount of energy from both sides, and it affects all level of government - federal, state, local government. No one is able to circumvent the laws of the land spelled out by the United States Constitution. Yet, we sit here today and you are about to pass a law which violates the very foundation of our democracy as a country - the United States Constitution - which clearly says no state shall pass a law or legislation which supersedes a contract. It's called the

2 contractual clause of the United States
3 Constitution. I know Mr. Ciampoli will come up
4 here and give you different reasons why he
5 believes there's loopholes; there are no
6 loopholes. In fact, our lawyers are standing by
7 waiting for the moment this legislation, if it is
8 passed, we will be in federal court on that point
9 only. But I just think -- I find it very, very
10 insulting.

11 It's one thing when an individual or a
12 group of people try to enact something, a policy,
13 which violates a law. That goes to court and
14 eventually finds its way to Supreme Court, it's
15 either found in violation of the Constitution or
16 not. But, instead, what we're going to find
17 ourselves in is the rare -- I don't even know if
18 it's ever been done in this country. We're going
19 to find ourselves with a county that has on its
20 book a law, an actual law that we are to follow
21 as citizens of this county which violates the
22 Constitution of the United States. Never been
23 heard of before, not in my life anyway. I'm
24 looking for research to find where other
25 legislative bodies have passed laws which violate

2 our Constitution.

3 On top of that, being very different in
4 New York State, we have what's known as the New
5 York State Tailor Law. And the Tailor Law
6 clearly says that government --

7 FEMALE VOICE: Your three minutes are
8 up.

9 MR. LARICCHIUTA: thank you -- employers
10 must negotiate changes in contracts and they
11 cannot unilaterally change the contents of a
12 contract. That's a violation of the New York
13 State Tailor Law. And the New York State Tailor
14 Law protects both residents and workers. We
15 cannot strike and we abide by that rule, yet we
16 have the Tri-Borough Agreement which allows us to
17 maintain what we have negotiated until a new
18 contract is in place. Those are some of the
19 major provisions of the Tailor Law. But
20 certainly passing a law which reads, A resolution
21 authorizing the county executive to take any and
22 all actions he deems necessary to fill a \$40
23 million budget gap - I think I hit that pretty
24 much right on the head, verbatim, is, in itself,
25 illegal. And I believe as lawmakers, you cannot

2 be law breakers, you must be law makers. If, in
3 fact, this body does shamefully pass this law
4 which violates our Constitution, I believe those
5 lawmakers that vote in favor of this should be
6 sanctified. They should be held accountable for
7 their actions. I believe that they should be,
8 just like a citizen of this country would be,
9 when we violate laws. It's your responsibility
10 to follow the law of the land.

11 As these signs clearly show, CSEA alone,
12 along with our brother and sister unions in the
13 county, have given hundreds of millions of
14 dollars back to the county, some of it was given
15 and conceded, some of it was taken. We have done
16 more than our fair share. And I warn everybody,
17 even those residents out there that did take the
18 position the unions need to pay more. I warn you
19 all with respect, please, pay attention to this
20 law. This is a dangerous action being taken
21 today. This can go much further than just
22 hitting the unions. This can hit every resident
23 in Nassau County. Remember the words -- take any
24 and any actions he deems necessary.

25 This is the United States of America. We

2 are the biggest democracy and the best and
3 greatest country on the planet. And we stand
4 here in Nassau County ready, willing, and able to
5 violate our own Constitution because of politics.
6 And I'm going to tell you that I'm not blaming
7 one party here. I think both parties are using
8 politics to make for bad government. And I'm
9 going to tell you right now, at the end of the
10 day the residents are smarter and more educated
11 than you think they are, as the unions are. And
12 I hope everyone pays attention to these actions
13 because they are so insulting, not only to our
14 union and your county workers, but to every
15 resident of this county. And I hope that you
16 take that seriously before you gavel that law in.

17 Thank you.

18 CHAIRMAN SCHMITT: Mr. Laricchiuta, I'm
19 sure several legislators are going to want to
20 respond to you.

21 First, before I respond to you, I just
22 want to put onto the record that an amendment to
23 this legislation was proposed today by the county
24 executive, but unfortunately, as the county
25 attorney should know, amendments have to be filed

1 with the clerk for seven days before they can be
2 acted upon, so we can't act on this today. But
3 we certainly have it filed and will circulate it.
4 But it adds a provision. I don't know if this
5 changes your feeling or not. It says that the
6 provisions of the -- I don't want to read the
7 legal terminology. The provisions of the clauses
8 1, 3, 4, and 5 shall not be applicable to any
9 public employees' union that enters into a
10 concession agreement with Nassau County on or
11 before July 1, 2012. However, applicability is
12 subject to each concession agreement, having
13 attained all necessary approvals. That's just
14 the amendment that the county executive -- it
15 will come to the legislature at the next meeting.
16 We can revisit this law if it's passed today and
17 amend it if it's the will of the body to do that.

18
19 To your point, surely you know that the
20 United States Constitution, in order to be
21 amended, each amendment has to be approved by the
22 states and a certain number of states have to
23 ratify, which is why it takes so long, and
24 properly so. This is not that. This is nowhere
25 near that. This is because of, as you probably

1 read in the paper when this was first proposed,
2 my reception to it and many of the other
3 legislators on my side, their reception to it was
4 lukewarm, to say the least. But after seeing the
5 extent of the financial difficulties and the
6 necessity to save \$40 million for all of the
7 reasons that we're beating into a dead horse
8 today -- now the bonding going down, and the
9 judgments being potentially out there to come in.
10 You skipped over the fact that this allows him to
11 take whatever actions he deems necessary to
12 achieve \$40 million in savings. And the
13 authority that we're granting to him sunsets once
14 the legislative independent budget office says
15 that they have saved \$40 million, whether that
16 savings comes about as a result of concession
17 agreements or it comes about as a result of
18 actions that he takes. Forty million dollars and
19 the authorization ceases.
20

21 Authorization has been granted in this
22 way to executives at every level of government.
23 Surely you're old enough, like I am, to remember,
24 although it did not end well, the Gulf of Tonka
25 Resolution, where the Congress of the United

2 States ceded to the president the authority to
3 take the steps necessary to protect the country.
4 We are ceding to the county executive limited
5 authority to take the steps necessary to protect
6 the county. The county needs to be protected
7 from these judgments. Now, the process of the
8 legislature is if the county executive was to
9 recommend that a department be merged or a
10 department be shutted, as the legislation says,
11 he would have to file down legislation with the
12 clerk, it would have to sit in the clerk's office
13 for 17 days, it would then have to be calendared
14 and go through committees, and then I'd have to
15 call a meeting of the legislature and hold a
16 hearing, and then after the hearing we could have
17 a vote. The need is now. It's not 30 days from
18 now. It's not 45 days from now when we can
19 finish our process. So we've built into this
20 that he has to come back to us and report back to
21 us on what's been done, it has to be close
22 monitoring of what's been done, and the
23 authorization, as I said, expired with the
24 savings of \$40 million.

25 I do not believe for one minute that this

2 gives him the authorization to invade New Jersey.
3 It doesn't give him the unlimited power to do
4 everything and anything that he wants to do. It
5 gives him the power to take the steps necessary
6 obviously within the confines of state and
7 federal law, to take whatever steps are necessary
8 to save \$40 million. I do not understand the
9 visceral reaction here if what you say to us is
10 true. If this law is not going to stand
11 scrutiny, go to court and knock it out. I don't
12 see robes on you, with all due respect. I'm not
13 a lawyer. I don't have the answer to these
14 questions. I have a request here from the county
15 executive to receive this authority to take the
16 actions that he has to take, period. If the
17 legislature sees fit to grant that and you think
18 it's illegal or the CSEA thinks it's illegally,
19 with all due respect, take it to court. Let the
20 judges decide.

21 Legislator Ford wanted to say something.

22 LEGISLATOR FORD: Good afternoon. Thank
23 you for coming down and bringing this to our
24 attention. I do have a concern as well, and
25 maybe we share the same concern.

It was my understanding originally when I first heard about some of the changes that the county executive wanted to do, that this would allow him to possibly furlough people, like, a certain number of days. Basically, like when we had passed it several years ago under Tom Suozzi.

MR. LARICCHIUTA: Correct.

LEGISLATOR FORD: I believe that was also the same commission. It has come to my attention that this is a little bit more than or maybe a lot more than just a mere furlough of certain employees. So I had requested that somebody from the administration who was well versed in labor law to be here. I'm hoping that person can get up and explain to me what exactly this legislation is going to allow the county executive to do in regards to the labor.

MR. LARICCHIUTA: Legislator Ford, we are angry at all parties because of this action.

From being a county executive, you almost can understand when an executive - be it the president, the governor, the mayor, the county executive - he will test his abilities and strengths to a certain point. That's why we have

2 three branches of government. This is the checks
3 and balances of that. It's not uncommon for an
4 executive in any one of those positions to try to
5 push the envelope, so to speak, to see how far
6 they can go, and that's part of government that
7 we've accepted. However, this is where the buck
8 stops. Actually, in this case, the buck will
9 stop in either federal or supreme court,
10 unfortunately. I disagree with Mr. Schmitt
11 because under those decisions that you spoke of
12 earlier, there were different circumstances where
13 other remedies, all remedies were exhausted. It
14 was decided under almost a police state where the
15 emergency was so dire that there was no time for
16 the regularly process. In those rare instances
17 over the last 100 years, and I think there's
18 about six, is about how many instances where that
19 kind of authority's been allowed. But you have
20 not exhausted every remedy.

21 I'm sorry?

22 CHAIRMAN SCHMITT: You have internet
23 access, I don't.

24 MR. LARICCHIUTA: Yes. I do.

25 LEGISLATOR FORD: Jerry, let me ask you

1 something. I know that part of this thing is
2 with county contracts. This is a very tough day
3 for all of us, and we are making some votes that
4 won't necessarily sit well and we're going to
5 have to count on the county executive, who had
6 been a legislator, to take a look before he makes
7 some cuts and does some things. I know with the
8 red light camera money and stuff like that that
9 now goes back into the general fund, that he
10 makes every effort to take a look at our youth
11 agencies and a lot of the agencies that we have
12 to make sure that we don't totally annihilate
13 each and every single one of them.

14
15 For me, my concern would be based on your
16 reading of this, and I have a concern as to
17 whether or not this is something that, you know,
18 giving him any power. Would you consider it that
19 maybe he would be able to go in and change any
20 part of your contract?

21 MR. LARICCHIUTA: I believe that's what
22 he's doing. I think if you furlough full-time
23 employees -- and this case was proven in state
24 court a year and a half ago, maybe a little
25 longer, under Governor Patterson when he

2 announced that he was going to furlough state
3 workers. The CSEA and the PEF, Public Employees
4 Federation, immediately went to Supreme Court
5 and, in fact, they were successful in getting an
6 injunction against that action. In our
7 contracts, part-timers, per diem workers, people
8 that are paid by the hour, by the day, the rules
9 are slightly different for them. Not slight.
10 They are very different for them. But 90 percent
11 of our workforce or at least 85 percent of our
12 workforce are full time, annually salaried
13 employees. Therefore, there is no remedy or
14 there is no road to cut their pay unless they get
15 in trouble and are disciplined. There is no
16 other way for anyone to say -- you can close the
17 county three days a week, quite frankly, but you
18 still have to pay the full-time employees their
19 annual salary unless, of course, they are
20 disciplined, violate either the contract or
21 violate the rules and policies of Nassau County,
22 which we understand that. But there is no other
23 remedy, as far as we are concerned, that we can
24 see. The Tailor Law protects us on that. Quite
25 frankly, the law itself that I speak of we

2 believe is protected by the Constitution.

3 LEGISLATOR FORD: When you say, like,
4 the annual salary, I know that a lot of times
5 with union workers, you're not considered annual
6 workers, like you get paid weekly or whatever it
7 is. So if you had to give up a day every other
8 week --

9 MR. LARICCHIUTA: It has to be
10 negotiated.

11 LEGISLATOR FORD: Okay.

12 MR. LARICCHIUTA: And under normal
13 circumstances, I'm not saying it would be an easy
14 one, those are tough negotiations, we would be
15 probably willing to sit down and at least talk
16 about these things. But read the signs. My
17 members are in a permanent, four year, five year
18 wage freeze after giving up over \$50 million on
19 their own, voluntarily. They are hurting. We
20 have members stuck in their starting salary, at
21 19, 21,000. They're going to be stuck there
22 until 2015. Now we're going to tell them, by the
23 way, we're going to only pay you four-fifths of a
24 week? That part violates the Tailor Law.
25 Changing the contract violates the U.S.

2 Constitution. It wasn't negotiated, and, on top
3 of that, the Constitution protects the right -
4 it's called a contractual clause. I'm sure Mr.
5 Ciampoli will speak to it or whoever he has here
6 to represent their side. In our view it's
7 clearly a violation. Quite frankly, it worked in
8 New York State and that judge immediately put a
9 restraining order in that afternoon, as soon as
10 Governor Patterson set a date that he was going
11 to furlough.

12 LEGISLATOR FORD: Okay. Is that person
13 from the administration here?

14 CHAIRMAN SCHMITT: Are you finished, Mr.
15 Laricchuita?

16 MR. LARICCHIUTA: I'm done.

17 CHAIRMAN SCHMITT: Okay.

18 MR. LARICCHIUTA: Thank you for your
19 time.

20 LEGISLATOR FORD: Thank you.

21 CHAIRMAN SCHMITT: Who is here?

22 COUNTY ATTORNEY CIAMPOLI: Good
23 afternoon.

24 CHAIRMAN SCHMITT: Mr. Ciampoli, just
25 sign in for the record, please.

2 COUNTY ATTORNEY CIAMPOLI: John
3 Ciampoli, Nassau County Attorney.

4 CHAIRMAN SCHMITT: Legislator Ford.

5 LEGISLATOR FORD: Mr. Ciampoli, who is
6 the person that we use for all labor
7 negotiations? I'm sure that we must have
8 somebody who is a labor expert who works in that
9 field.

10 COUNTY ATTORNEY CIAMPOLI: We have
11 employed for our negotiations and arbitrations
12 the firm of Bee Ready.

13 LEGISLATOR FORD: Is that person here?

14 COUNTY ATTORNEY CIAMPOLI: We've also
15 used Jackson Lewis to consult on a number of
16 matters.

17 LEGISLATOR FORD: Do we have anybody
18 here from either one of those firms?

19 COUNTY ATTORNEY CIAMPOLI: No. We
20 don't. Further, if special counsel were here, I
21 do need to inform you that we were served with
22 notice by the CSEA that should this bill be
23 passed, they would be proceeding in Federal
24 District Court for the Eastern District of New
25 York to challenge the adoption of such a law.

2 So, to the extent that it implicates the
3 litigation, I'd be asking special counsel not to
4 comment.

5 LEGISLATOR FORD: I understand that,
6 sir. But we're talking about union people,
7 people that, as I said earlier today, have shown
8 a lot of devotion and great determination at
9 doing their jobs, considering the fact that
10 during the rain they were out cutting grass this
11 morning. So I would even think for a lot of us
12 sitting up here, for us to make a decision and to
13 look at something like this to give such power to
14 the county executive without having somebody that
15 we could speak to in regard to labor to find out
16 what the implications would be directly, I find
17 that this might prove to be a moot point.

18 I thank you very much.

19 CHAIRMAN SCHMITT: Mr. Ciampoli, why
20 don't you tell the legislature, explain to us
21 what exactly this law is. Does this law -- let
22 me ask you some questions. Let me put it another
23 way.

24 In your opinion does the law give the
25 county executive the power to reopen contracts,

2 in deference to what everything that was just
3 brought up?

4 COUNTY ATTORNEY CIAMPOLI: There have
5 been discussions going on. If I may comment --

6 CHAIRMAN SCHMITT: That's not my
7 question.

8 COUNTY ATTORNEY CIAMPOLI: on your
9 observation further. The amendment that --

10 CHAIRMAN SCHMITT: Mr. Ciampoli, the
11 amendment isn't in front of us. The hearing is
12 on the local law.

13 COUNTY ATTORNEY CIAMPOLI: It goes to
14 the crux of what the intent of the law is. And
15 that certainly is that we have a \$40 million hole
16 in the budget, as you've observed. This is
17 designed to patch that hole.

18 CHAIRMAN SCHMITT: Hold on.

19 COUNTY ATTORNEY CIAMPOLI: The county
20 executive --

21 CHAIRMAN SCHMITT: Mr. Ciampoli, hold
22 on, please. Geeze. This legislation was drafted
23 by your office, correct?

24 COUNTY ATTORNEY CIAMPOLI: Yes.

25 CHAIRMAN SCHMITT: It was sent to the

2 clerk of the legislature by the county executive
3 for action. Correct?

4 COUNTY ATTORNEY CIAMPOLI: Correct.

5 CHAIRMAN SCHMITT: You have no idea what
6 your legislation contains? All you can talk
7 about is an amendment that came in this morning?

8 COUNTY ATTORNEY CIAMPOLI: No.

9 CHAIRMAN SCHMITT: So talk about the
10 legislation.

11 COUNTY ATTORNEY CIAMPOLI: The
12 legislation is designed to patch a \$40 million
13 hole in the budget.

14 CHAIRMAN SCHMITT: Understood. Does the
15 legislation give the county executive the right
16 to reopen labor contracts? That's a yes or a no
17 question.

18 COUNTY ATTORNEY CIAMPOLI: I am not
19 going to address that, as that is the subject
20 matter of the litigation.

21 CHAIRMAN SCHMITT: You have seriously --

22 COUNTY ATTORNEY CIAMPOLI: However, I
23 will tell you --

24 LEGISLATOR DENENBERG: Join the club,
25 Peter.

2 COUNTY ATTORNEY CIAMPOLI: I will tell
3 you that the legislation is --

4 CHAIRMAN SCHMITT: You have got to be
5 kidding me.

6 COUNTY ATTORNEY CIAMPOLI: drawn --

7 CHAIRMAN SCHMITT: You're going to not
8 comment on legislation that your office drafted
9 and that you sent down here in the name of the
10 county executive?

11 COUNTY ATTORNEY CIAMPOLI: What I am
12 going to tell you is the legislation is drawn in
13 the broadest sense so as to enable the county
14 executive to solve the \$40 million problem.

15 CHAIRMAN SCHMITT: Alright. Let me try
16 and approach this --

17 COUNTY ATTORNEY CIAMPOLI: That
18 necessarily involves a dialogue between the -

19 CHAIRMAN SCHMITT: from another --

20 COUNTY ATTORNEY CIAMPOLI: unions and
21 the executive.

22 CHAIRMAN SCHMITT: Excuse me. Let me
23 try and approach this from another angle.

24 You heard the testimony of Mr.

25 Laricchuita from the CSEA.

COUNTY ATTORNEY CIAMPOLI: Yes.

CHAIRMAN SCHMITT: You heard him reference state and federal law.

COUNTY ATTORNEY CIAMPOLI: Yes.

CHAIRMAN SCHMITT: Is it your opinion, based on the reference you heard from Mr. Laricchuita on how state and federal law applies in this case, that the power is there for the administration to reopen labor contracts?

COUNTY ATTORNEY CIAMPOLI: His opinion to this legislation was that federal and state law precludes it.

CHAIRMAN SCHMITT: And do you agree or disagree?

COUNTY ATTORNEY CIAMPOLI: I do not agree with that.

CHAIRMAN SCHMITT: You do not agree with that. So what do you agree with?

COUNTY ATTORNEY CIAMPOLI: I agree with the position that this legislation is, it is, indeed, a broad mandate to the county executive to solve the problem at hand, that will necessarily involve a dialogue between the executive and our unions. As you pointed out by

2 the amendments that you added to the legislation,
3 it is self sun setting legislation. When the
4 problem is solved, the legislation sunsets. The
5 amendment, if I may go back to that, was
6 negotiated early this morning, so as to assure
7 that that dialogue would occur --

8 CHAIRMAN SCHMITT: Negotiated between
9 who and who?

10 COUNTY ATTORNEY CIAMPOLI: The county
11 executive's office and our organized labor.

12 CHAIRMAN SCHMITT: The county
13 executive's office and organized labor?

14 COUNTY ATTORNEY CIAMPOLI: Yes.

15 CHAIRMAN SCHMITT: I see organized labor
16 in the back shaking their head absolutely not.
17 That's what this means, right? No. Were you
18 present at these negotiations?

19 COUNTY ATTORNEY CIAMPOLI: No, I was
20 not.

21 CHAIRMAN SCHMITT: Who was?

22 COUNTY ATTORNEY CIAMPOLI: I can tell
23 you that the chief deputy county executive
24 communicated with the executive's legislative
25 liaison and my office to see that that amendment

2 was drafted up and filed with this legislature.

3 CHAIRMAN SCHMITT: Was our labor counsel
4 there?

5 COUNTY ATTORNEY CIAMPOLI: No, I don't
6 believe so. He could've been. I don't know.

7 CHAIRMAN SCHMITT: He could've been,
8 you don't know. Where is that amendment again?
9 Who signed that? You signed the amendment. Are
10 you in the habit of signing things and you don't
11 know what they are?

12 COUNTY ATTORNEY CIAMPOLI: I didn't say
13 I didn't know what it was.

14 CHAIRMAN SCHMITT: You don't know who
15 negotiated it. You don't --

16 COUNTY ATTORNEY CIAMPOLI: That's
17 correct.

18 CHAIRMAN SCHMITT: know who was in the
19 room, but yet you signed it.

20 COUNTY ATTORNEY CIAMPOLI: I signed the
21 amendment.

22 CHAIRMAN SCHMITT: And you can't tell me
23 who negotiated it.

24 COUNTY ATTORNEY CIAMPOLI: I can tell
25 you that my conversations with the chief deputy

2 county executive indicated that it was negotiated
3 by him and/or other people in the county
4 executive's office.

5 CHAIRMAN SCHMITT: And I can tell you
6 that the purpose of hearings like this is for the
7 administration to get up and make its case. I
8 find you to be sorely lacking. The information
9 that's provided here is next to worthless. You
10 can't tell us about the law. You can't venture
11 an opinion as to what the law entitles the
12 administration to do. You can't even tell us the
13 direction the administration is moving in. You
14 can't tell us --

15 COUNTY ATTORNEY CIAMPOLI: The direction
16 that the administration is moving in and must
17 move in forthwith is to close a \$40 million hole
18 in the budget.

19 CHAIRMAN SCHMITT: No kidding. I'm well
20 aware of that. That's not news. I read about it
21 in the paper too.

22 COUNTY ATTORNEY CIAMPOLI: I can call
23 upon the deputy county executive for finance to
24 talk to you about options that are available, but
25 those options ultimately must be submitted to the

2 executive and it will be his --

3 CHAIRMAN SCHMITT: Where is the deputy
4 county executive for finance? He was supposed to
5 be here.

6 COUNTY ATTORNEY CIAMPOLI: I don't know
7 where he is.

8 CHAIRMAN SCHMITT: I don't know.

9 COUNTY ATTORNEY CIAMPOLI: I didn't
10 bring him with me.

11 CHAIRMAN SCHMITT: Where is the chief
12 deputy county executive who is supposed to be
13 here?

14 COUNTY ATTORNEY CIAMPOLI: He is in the
15 Capitol in Albany.

16 CHAIRMAN SCHMITT: Well, at least you
17 know where he is. I see Eric Naughton here. Is
18 that in response to my call for the deputy county
19 executive?

20 MR. NAUGHTON: Yes. I'm here instead of
21 Mr. Sullivan.

22 CHAIRMAN SCHMITT: Were you present at a
23 meeting this morning where this amendment was
24 negotiated?

25 MR. NAUGHTON: No, I was not.

2 CHAIRMAN SCHMITT: Do we have a secret
3 room in this place that I don't know about?

4 LEGISLATOR DENENBERG: We've been
5 looking for those rooms for a while.

6 CHAIRMAN SCHMITT: You had ten years to
7 find it.

8 Nobody knows who was at the meeting, yet
9 we have an amendment here which is really off the
10 topic.

11 See, Mr. Ciampoli, my job, amongst many
12 others, is to get the votes necessary to pass
13 legislation, whether I get it from one side or
14 the other, it's done unanimously, if it's done on
15 a partisan divide. I have to get ten affirmative
16 votes. And I need information and the
17 legislature needs information to provide a
18 comfort level for them to provide those votes.

19 Now, people were supposed to be here
20 today to testify and to answer the questions of
21 the legislators; they're not here. Now, when I
22 go into caucus and I go in the back there and
23 say, okay, what's the story? How many
24 legislators do you think are going to say this is
25 a great idea, let's do this? You think there

2 will be ten? I don't.

3 COUNTY ATTORNEY CIAMPOLI: Legislator
4 Schmitt, I can only answer the questions for you
5 that I can answer. I cannot prejudice the
6 county's position in court, and I've been thrown
7 into that position not by my choice.

8 This is a broad mandate of power to the
9 county executive to come up with a solution that
10 adds up to \$40 million. It is also an incomplete
11 work without the amendment that you inform us --

12 CHAIRMAN SCHMITT: I'll tell you what.

13 COUNTY ATTORNEY CIAMPOLI: that the
14 emergency was rejected on.

15 CHAIRMAN SCHMITT: Let me tell you
16 something. We're going to conclude this hearing,
17 and I'm not calling the vote today. I need more
18 information.

19 I appreciate the fact -- I will concede
20 to you. I appreciate the fact that apparently,
21 for reasons I haven't found out yet but I will,
22 you're thrown into this at the last minute. I'm
23 sure there's a reason why; everybody's up in
24 Albany. But I don't know what it is. Maybe it's
25 great and he'll come back with bushels of money

2 under both arms, that would be wonderful. But,
3 in the meantime, we'll finish the hearing, we'll
4 call the vote at another time, and when the
5 people who were supposed to be here, who aren't
6 here, can be here and we'll have one last bit at
7 the apple to try and consolidate the ten votes.
8 Maybe we'll get some from that side of the aisle,
9 you never know. I am an optimist.

10 Anything else you'd like to add?

11 COUNTY ATTORNEY CIAMPOLI: My optimism,
12 as does yours, springs eternal.

13 CHAIRMAN SCHMITT: Okay. That's
14 wonderful.

15 Charles Loiacano.

16 Legislator Ford, obviously you're not
17 satisfied.

18 LEGISLATOR FORD: I'm not satisfied at
19 all.

20 CHAIRMAN SCHMITT: Anybody else? You're
21 not satisfied. You're not satisfied either. I'm
22 not satisfied.

23 Mr. Loiacano, you're not going to be
24 satisfied either, but come on up. It's always a
25 pleasure to see you.

2 MR. LOIACANO: Thank you. All I can say
3 is wow. What an unenviable position you're in.

4 CHAIRMAN SCHMITT: We're in it for the
5 money.

6 MR. LOIACANO: You're being asked to
7 make decisions that would challenge Solomon. I
8 guess these are the times that try men's souls.
9 What brought us to this point where you find
10 yourselves powerless to resolve the fiscal pickle
11 that we're in? What's frustrated you so that you
12 now move to desperation? How did we get here?
13 Derivatives, credit default swaps, subprime
14 mortgages, greed, that's how we got here. And
15 those who put us in this jam have gotten away
16 with it scot free and that us frustrated all of
17 us, to move you, to take the kind of desperate
18 action that will shame your legacy.

19 Anyone reading this proposal, a proposal
20 to make Ed Mangano the czar of Nassau County,
21 anyone seeing that soon recognizes that it's
22 folly. It's really a scream of frustration
23 against the democrats who are not cooperating on
24 the bonding. It's your way of saying, oh, yeah?
25 We'll show you. We'll give Ed Mangano

2 dictatorial powers. By the way, the definition
3 of a dictator is someone who is granted absolute
4 emergency power.

5 I don't understand how this passed the
6 smell test. It's embarrassing that it actually
7 made it to the agenda. I can't believe that
8 you're going to discuss the pros and cons of
9 giving the executive director - the county
10 executive dictatorial powers. This would go very
11 well in Rwanda because it's absolutely
12 Stalinesque.

13 Don't you see that even if this passed,
14 it would effectively end the political career of
15 Eddie Mangano. I can see the ads now - Ed
16 Mangano, the man who would be king. I'm not
17 going to waste my time discussing the obvious.

18 CHAIRMAN SCHMITT: Are you working for
19 them now?

20 LEGISLATOR ABRAHAMS: We like that,
21 Charlie, actually.

22 MR. LOIACANO: You do? I thought you
23 might.

24 LEGISLATOR ABRAHAMS: We do like that.

25 CHAIRMAN SCHMITT: How about giving us

2 one?

3 CLERK MULLER: Mr. Schmitt, three
4 minutes, three minutes have expired.

5 MR. LOIACANO: This is very unwise. Get
6 it off the table. Don't vote on it.

7 CHAIRMAN SCHMITT: We're not voting on
8 it today.

9 MR. LOIACANO: Good. Because this
10 amendment has given you that opportunity. Of
11 course, you usually pass a resolution as amended;
12 you don't pass it first and then amend it. So
13 it's good you're not going to vote on it.

14 CHAIRMAN SCHMITT: That's the whole part
15 of --

16 MR. LOIACANO: But you've got to consider
17 --

18 CHAIRMAN SCHMITT: Considering it in the
19 first place for. We can't consider an amendment
20 for seven years.

21 MR. LOIACANO: You've got to consider
22 what's in the resolution.

23 If you actually voted on this, you'd lose
24 all creditability. You'd be spending the rest of
25 your political careers trying to defend a need to

2 give the county executive dictatorial powers and
3 why a dictatorship is sometimes better than a
4 democracy. That's an argument you can't win.

5 Remember, history has mourned the actions
6 of some of our greatest heroes for allowing their
7 frustration in times of crisis to cause them to
8 abandon the very principles that they treasure -
9 Lincoln, suspended habeas corpus. And anyone
10 with a slight southern accent was thrown into
11 jail to rot. And history has done him because it
12 still describes that debacle as a serious blemish
13 on his record and a sign of weakness and
14 desperation of an otherwise great man. The same
15 can be said of Franklin Roosevelt and his attempt
16 to pack the Supreme Court, a desperate act
17 motivated by the frustration that comes from not
18 getting your own way.

19 The obvious lesson here is you don't give
20 in to your frustration and allow it to reveal a
21 character flaw that can undo you. Great offers
22 always knew that the only way to reveal the true
23 character of a person was to observe him in a
24 crisis. Of course, Hemingway went a little too
25 far. He thought you had to watch a man facing

2 death in order to really understand his
3 character, but that's a bit much for most of us.
4 You're not facing death, but you are certainly
5 facing a crisis. How you face that crisis will
6 reveal a great deal about your individual
7 characters. Show strength, not weakness. Throw
8 this czar of Nassau County resolution in the dust
9 bin where it belongs.

10 I'm glad you're not going to vote on it.
11 Because anyone who would have voted yes would
12 have sullied his reputation. I'm glad it's going
13 to be tabled, and it should never come up again.

14 CHAIRMAN SCHMITT: Thank you.

15 I've got John Jaronczyk from the
16 correction officers.

17 MR. JARONCZYK: Good afternoon,
18 Presiding Officer Schmitt, ladies and gentlemen
19 of the Legislature. I actually had a full speech
20 prepared, but Mr. Ciampoli pretty much negated my
21 speech. There's really no need --

22 CHAIRMAN SCHMITT: He negated more than
23 that but go ahead.

24 MR. JARONCZYK: That's a good thing
25 then. Then he is worth his weight, then.

2 There's one thing today that he said that
3 I find a little disturbing. He said that all the
4 unions were negotiating with County Executive
5 Mangano. I just want to go on record and say
6 County Executive Mangano has yet to call this
7 union to negotiate anything.

8 CHAIRMAN SCHMITT: So you weren't in the
9 secret room either?

10 MR. JARONCZYK: I don't know of any
11 secret rooms.

12 I'm happy that this is being tabled. I
13 think that you should take this bill and throw it
14 in the garbage when it does come for a vote.
15 I'll save my speech.

16 Thank you very much.

17 CHAIRMAN SCHMITT: I will take a motion
18 to close the hearing.

19 LEGISLATOR GONSALVES: So moved.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRMAN SCHMITT: Motion by Legislator
22 Gonsalves, seconded by Legislator Muscarella.

23 LEGISLATOR DENENBERG: Point of order,
24 Mr. Schmitt.

25 CHAIRMAN SCHMITT: Mr. Denenberg.

2 LEGISLATOR DENENBERG: You have, in this
3 hearing, pending questions that weren't answered.
4 Do we close the hearing or adjourn it so that the
5 county attorney can come back and answer your
6 questions and other people can then ask him
7 questions.

8 CHAIRMAN SCHMITT: We close the hearing.
9 It will get satisfactory answers when the item is
10 called for a vote or not, and then we'll vote
11 accordingly.

12 LEGISLATOR DENENBERG: I'm sure everyone
13 else wanted questions as well. But your points
14 were well taken.

15 All those in favor of closing the hearing
16 please say aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The hearing is closed.

21 LEGISLATOR DUNNE: Dunne votes aye.

22 CHAIRMAN SCHMITT: Dennis votes aye.

23 We now have a hearing on a proposed local
24 law to prohibit the sale of synthetic
25 cannabinoids in Nassau County.

2 May I have a motion, please?

3 LEGISLATOR GONSALVES: So moved.

4 LEGISLATOR MUSCARELLA: Second.

5 CHAIRMAN SCHMITT: Moved by Legislator
6 Gonsalves, seconded by Legislator Muscarella.

7 All those in favor of opening the hearing
8 please say aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The hearing is open.

13 Anybody have anything to say about
14 invasive species?

15 LEGISLATOR DENENBERG: No. It's
16 synthetic cannabinoids.

17 CHAIRMAN SCHMITT: Synthetic
18 cannabinoids. Synthetic marijuana.

19 I'll take a motion to close the hearing.

20 LEGISLATOR GONSALVES: So moved.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRMAN SCHMITT: Moved by Legislator
23 Gonsalves, seconded by Legislator Muscarella.

24 All in favor please say aye.

25 (Aye.)

2 LEGISLATOR DUNNE: Aye.

3 CHAIRMAN SCHMITT: Now we go to Item
4 Number 4, which is a vote on the proposed local
5 law to prohibit the sale of synthetic
6 cannabinoids in Nassau County.

7 I'll take a motion.

8 LEGISLATOR GONSALVES: So moved.

9 LEGISLATOR MUSCARELLA: Second.

10 CHAIRMAN SCHMITT: Moved by Legislator
11 Gonsalves, seconded by Legislator Muscarella.

12 All those in favor please say aye.

13 (Aye.)

14 LEGISLATOR DUNNE: Aye.

15 CHAIRMAN SCHMITT: Any opposed?

16 (No verbal response.)

17 The item carries unanimously.

18 LEGISLATOR DENENBERG: Legislator
19 Schmitt.

20 CHAIRMAN SCHMITT: Legislator Denenberg.

21 LEGISLATOR DENENBERG: On the synthetic
22 cannabinoids, the members of the minority want to
23 be listed as co-sponsors.

24 LEGISLATOR GONSALVES: Mr. Denenberg, we
25 did do that when it came through committee.

2 LEGISLATOR DENENBERG: It didn't show on
3 the Bill.

4 LEGISLATOR GONSALVES: Well, we did do
5 that.

6 LEGISLATOR DENENBERG: Legislators
7 Bosworth and DeRiggi had joined me with the
8 original submission on it.

9 LEGISLATOR GONSALVES: We did it, all 19
10 of us.

11 LEGISLATOR DENENBERG: Okay.

12 CHAIRMAN SCHMITT: I'm going to call
13 Item Numbers 9 and 19, which are two bonds. One
14 is a capital expenditure toward the payment of
15 certain judgments, compromised and settled
16 claims, \$2,040,000, and number 19 is \$38 million.
17 We have an amendment for Item 19, which was
18 circulated on March 9.

19 I'll offer the amendment. Can I have a
20 second?

21 LEGISLATOR GONSALVES: Second.

22 CHAIRMAN SCHMITT: Seconded by
23 Legislator Gonsalves.

24 All those in favor of the amendment
25 please say aye.

2 (Aye.)

3 LEGISLATOR DUNNE: Aye.

4 CHAIRMAN SCHMITT: Any opposed?

5 (No verbal response.)

6 The amendment carries.

7 On Item Number 9 and Item Number 19, as
8 amended, all those in favor please say aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 (Nay.)

13 By a vote of ten to nine, the item fails.

14 I'm going to go to Item 144 is a
15 resolution authorizing the county executive to
16 execute an inter-municipal agreement with the
17 Incorporated Village of Farmingdale in relation
18 to park improvements.

19 Can I have a motion, please?

20 LEGISLATOR BELESI: So moved.

21 LEGISLATOR GONSALVES: Second.

22 CHAIRMAN SCHMITT: Moved by Legislator
23 Joe Belesi, seconded by Legislator Gonsalves.

24 All those in favor of this item please
25 say aye.

2 (Aye.)

3 Any opposed?

4 (Nay.)

5 Let the record show that the item passes
6 by a vote of ten to nine.

7 LEGISLATOR ABRAHAMS: Peter, just real
8 quick.

9 CHAIRMAN SCHMITT: Go ahead.

10 LEGISLATOR ABRAHAMS: It is our
11 recollection, as per attorneys, that the item
12 that we just approved requires 13 votes of the
13 Legislature.

14 CHAIRMAN SCHMITT: That's an inter-
15 municipal agreement. It takes ten votes to
16 authorize the county executive to do it.

17 LEGISLATOR ABRAHAMS: Reading from the
18 Miscellaneous Law - Each such proposal for each
19 corresponding bond ordinance shall be subject to
20 an approval of 13 members of the County
21 Legislature. And the bond ordinance was approved
22 by a supermajority but this proposal was not,
23 just now.

24 CHAIRMAN SCHMITT: The bond ordinance
25 was approved by?

2 LEGISLATOR ABRAHAMS: A supermajority.

3 CHAIRMAN SCHMITT: The bond ordinance
4 was approved on July 11, 2011 - \$5,024,800 in
5 bonds. This is the project.

6 LEGISLATOR ABRAHAMS: But this
7 corresponding project was not a part of the bond.

8 CHAIRMAN SCHMITT: Yes, it is.

9 LEGISLATOR ABRAHAMS: At that time it
10 was not.

11 CHAIRMAN SCHMITT: Yes, it was.

12 So we have the -- the bonding was
13 approved already. This is not a bonding
14 ordinance. This is an inter-municipal agreement.
15 An inter-municipal agreement takes ten votes.
16 That's something else that I guess can go to
17 court.

18 I'll take a motion to reconsider Item
19 124.

20 LEGISLATOR GONSALVES: So moved.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRMAN SCHMITT: Moved by Legislator
23 Gonsalves, seconded by Legislator Muscarella.

24 All those in favor of reconsidering
25 please say aye.

(Aye.)

Any opposed?

(No verbal response.)

The item is up for reconsideration.

I have an amendment in the nature of a substation, which is an amendment being made to revise the bill numbers contained in the resolution, attach amended versions of the bills themselves. The bills were amended to correct a typographical error. This amendment also removes a tax map incorrectly included at the end of the item.

I'll offer the amendment. Can I have a second?

LEGISLATOR GONSALVES: Second.

CHAIRMAN SCHMITT: Seconded by Legislator Gonsalves.

All those in favor of the amendment please say aye.

(Aye.)

Any opposed?

(No verbal response.)

The amendment carries unanimously.

Now, on the item as amended.

2 All those in favor please say aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item carries unanimously.

7 Legislators need to be in their seats.

8 Majority or Minority, you need to be in your
9 seat. Except for you Dennis, you stay right
10 where you are.

11 MR. HABER: Hi, everybody. I know the
12 sewage authority bond has not been the topic of
13 conversation today. But there's a thought
14 process about what I'm going to discuss with you,
15 and I think it's important to contemplate.

16 May 9, I saw the county executive speak
17 at the Crest Hollow Country Club with the Long
18 Island Business News in the discourse about the
19 state of the county and a host of issues. The
20 question of the Nassau County Sewer Authority
21 came up, and the county executive said
22 confidently that any financier or person who
23 would be purchasing the rights to lease the
24 county's sewer systems would be subject to a
25 flat, two year rate increment and then an

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2 unlimited amount of years with just CPI. So that
3 was great. Everybody applauded. That night I
4 went to an event in the City, and coincidentally
5 I happened to have sat next to an executive of
6 one of the firms that was vetting the sewer deal
7 for the county. She had said, point blank, this
8 is one of the competitors to United Water, that
9 there is no way that anybody would go through
10 with that deal under those constraints. It's
11 just fiscally and financially unfeasible and it's
12 just not happening. So that left me very
13 confused, where the county executive is saying
14 with confidence that there is a financier in the
15 wings and then the actual financier says we
16 vetted it and it's just not possible. So the
17 following day I was at an event and I ran into
18 two county legislators. And I asked the county
19 legislators what's going on? Is it possible that
20 there's a financier who is going to do this under
21 the constraints of the county executive or is it
22 true that there needs to be unlimited rate hikes
23 in the sewer rates to make this a feasible deal.
24 To my dismay, both of the legislators said we
25 have no idea, we get our information from

2 *Newsday*, which was disconcerting to me as a
3 resident because I would hope that the whole
4 legislature would be kept in the loop about
5 what's going on.

6 May 17, last Thursday, I was in this
7 building and I saw the county executive give a
8 presentation as to the sewer deal. That morning,
9 NIFA rejected the \$5 million advisory fee that
10 was to go to Morgan Stanley, but the county
11 executive was confident that NIFA didn't
12 understand what was going on and the deal would
13 get done under this constraints of two years with
14 no hike in the sewer fees, and now 50 years, he
15 said, which is an unusually long term for any
16 kind of deal whatsoever, of up to 50 years of
17 CPI. I don't know how anybody could plan out
18 that long. I don't know how it could be
19 financially feasible to an investor to expect the
20 rate of return, given all the things that could
21 happen to a sewer system over that time. But the
22 county executive was confident that he would
23 educate NIFA. So NIFA made it clear that they
24 are not going to pass any kind of bonding or fee
25 structure for Morgan Stanley for \$5 million.

1 This whole thing, from start to finish,
2 over this two week period was really a theme that
3 I've been finding a lot in a lot of the deals
4 that are brought forth. There is no doubt that
5 the county has drastic financial cuts that have
6 to be made. This \$40 million issue you're
7 speaking about is just one of them. But the
8 budget hole facing the future is going to
9 decimate services and decimate the county's
10 finances.

11 What seems to be happening is a
12 tremendous lack of communication between both the
13 left and right side of the legislature, from the
14 county executive down to the legislature, and
15 then what the community sees on many levels is
16 dysfunction and a loss of confidence in the
17 operating ability of the county. This is just
18 not this one issue that I saw firsthand
19 anecdotally. This goes back to what happened
20 with the police precincts. There wasn't a
21 coherent plan in place, and a vote was put
22 through. This goes back to the Coliseum vote.
23 Now this \$40 million, eleventh hour emergency
24 vote.

What I'm asking you as a community member is before you launch any project of substantial reform or finances, vet it out, get your ducks in order, and then present to the community with all the numbers as why this makes sense financially. Otherwise, it just looks like sound bites that aren't based in reality and just leads to further confusion and concern from your residents about what's going on.

So, thanks so much for your time.

LEGISLATOR JACOBS: It's always good to hear from the public as to how they feel.

(Whereupon, the Full Legislature recessed at 4:52 p.m.)

(Whereupon, the Full Legislature reconvened at 5:27 p.m.)

CHAIRMAN SCHMITT: We're going to resume the meeting. We have used our break to seek out the information that the county attorney's woeful presentation denied us. In any event, my members, members of the majority have received -- and if anybody, speak up, has received the assurances necessary to see their way clear to voting for the legislation that was the subject

2 of a public hearing.

3 LEGISLATOR ABRAHAMS: Mr. Presiding
4 Officer, would you mind sharing those assurances?

5 CHAIRMAN SCHMITT: We have received an
6 answer to the question that any steps taken --
7 first of all, any steps taken under this
8 legislation will respect federal and state law,
9 and that no action will be taken until June 1 or
10 July 1 --

11 LEGISLATOR ABRAHAMS: And those
12 assurances were provided by?

13 CHAIRMAN SCHMITT: Those assurances
14 were provided by the county executive on the
15 telephone from Albany.

16 LEGISLATOR ABRAHAMS: Legislator Ford, I
17 thought you were requesting somebody like a labor
18 attorney give us the proper -- that's somebody
19 that we would probably.

20 LEGISLATOR FORD: And Ciampoli did not
21 provide us with a labor attorney. But I did
22 speak with the county executive.

23 LEGISLATOR ABRAHAMS: Okay.

24 LEGISLATOR DENENBERG: Wow. If
25 somebody wouldn't have known better, they would

2 have thought that this was all done just to get
3 the room cleared out and then ram it through.

4 LEGISLATOR FORD: You know, Dave?
5 Normally, I'm very nice. That really is a low
6 blow because it didn't happen like that at all.

7 LEGISLATOR DENENBERG: Look what you
8 did. You're calling this right now, after two
9 minutes ago there were questions to be answered.
10 You don't want the questions answered on the
11 record? I purposely asked a question when you
12 were closing the hearing because I suspected that
13 was going on. It turns out I was right.

14 LEGISLATOR FORD: You're not always
15 right. And I did go in the back to see if the
16 unions were still here.

17 LEGISLATOR DENENBERG: No one is here.
18 No one's here.

19 CHAIRMAN SCHMITT: We're going to call
20 Item Number 6, which is a vote on a proposed
21 local law authorizing the county executive to
22 take any all actions he deems necessary to create
23 \$40 million in savings.

24 May I have a motion, please?

25 LEGISLATOR GONSALVES: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN SCHMITT: Moved by Legislator Gonsalves, seconded by Legislator Muscarella.

LEGISLATOR ABRAHAMS: If I may before a vote is actually taken.

CHAIRMAN SCHMITT: Legislator Abrahams.

LEGISLATOR ABRAHAMS: It is the position of the Democratic Minority that due to the process of you taking a recess, and obviously there's no other person here, other than these three gentlemen, there is no one here at this particular time to ask any questions. Obviously, I think everyone that left this particular room thought that this bill was going to be recessed until a later date, not a later hour. So I think that being said, my caucus, I'm going to instruct them to walk out in protest because we feel that we should not be a part of this process because we think, quite frankly, it's very dishonest. When everyone left this room, they thought this bill was going down or at least going to be recessed. From that standpoint, I think it's a little bit unfair that now that the room's cleared out that we're not even going to try to

1 call back the individuals that had protested this
2 law to at least give them an opportunity to ask
3 the same question that you got answers to. So
4 I'm instructing my caucus to leave.
5

6 Thank you.

7 LEGISLATOR DENENBERG: And we believe
8 that this is illegal, as well.

9 CHAIRMAN SCHMITT: Please put on the
10 record that the Democratic caucus us leaving, so
11 at the conclusion of this vote we will adjourn
12 the meeting. Unfortunately, they're walking out
13 on the Office of Housing and Community
14 Development Project Home Start as well.

15 LEGISLATOR ABRAHAMS: No. We're walking
16 out on this vote.

17 CHAIRMAN SCHMITT: Well, you can't very
18 well get the votes for the emergency if you're
19 not here.

20 Okay. On the legislation that's in front
21 of us. Is there any other debate or discussion?

22 (No verbal response.)

23 None. Okay. I'm going to call the vote.

24 All those in favor please say aye.

25 (Aye.)

2 LEGISLATOR DUNNE: Legislator Dunne
3 votes aye.

4 CHAIRMAN SCHMITT: Dennis Dunne voted
5 aye.

6 Any in opposition?

7 (No verbal response.)

8 Let the record show that the item carried
9 unanimously. Yes, it did. Every legislator
10 presented voted for it. It carried unanimously.
11 That item is passed. The item is passed ten to
12 zero. It's a unanimous vote.

13 Do you have the emergency?

14 CLERK MULLER: Presiding Officer
15 Schmitt, we have an emergency. It comes by way
16 of a recommendation from the administration for
17 the adoption of a resolution setting forth that
18 an emergency exists for consideration of
19 immediate action on Clerk Item 94-12.

20 The Emergency Resolution Number 8-2012
21 is, as follows: A resolution declaring an
22 emergency for immediate action upon an ordinance
23 supplemental to the annual appropriation
24 ordinance in connection with the Office of
25 Housing and Community Development.

2 Please entertain a motion to place this
3 matter before the Legislature and vote on the
4 emergency.

5 CHAIRMAN SCHMITT: So moved. We have a
6 motion, and a second.

7 All those in favor of the emergency
8 please say aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The emergency is established.

13 CLERK MULLER: The underlying resolution
14 is 165-A-2012. An ordinance supplemental to the
15 annual appropriation ordinance in connection with
16 the Office of Housing and Community Development.

17 Please entertain a motion to place this
18 matter before the Legislature.

19 LEGISLATOR GONSALVES: Motion, please?

20 A second? Mr. Nicoletto, second?

21 LEGISLATOR NICOLELLO: Yes.

22 LEGISLATOR GONSALVES: Any comments?

23 (No verbal response.)

24 Any discussion on the item?

25 (No verbal response.)

2 There is no public comment because there
3 is no public.

4 Would you like to speak on this item?

5 MALE VOICE: If you need me to.

6 LEGISLATOR GONSALVES: No, not really.

7 Unless you need clarification of any kind.

8 There being none, all those in favor
9 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 CHAIRMAN SCHMITT: We voted on the item.

14 Okay. No other business. I'll take a motion to
15 adjourn.

16 All those in favor please say aye.

17 (Aye.)

18 We're adjourned.

19 (Whereupon, the Full Legislature
20 adjourned at 5:36 p.m.)

21

22

23

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25

C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby state:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2012.

FRANK GRAY